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ABSTRACT

In February 1999, the Australian Human Rights and Equal Opportunity Commission initiated the National Inquiry into Rural and Remote Education, which investigated the provision of education for children in rural and remote Australia. The inquiry took evidence at formal public hearings in every state and territory and at less formal meetings with parents, students, educators, and community members in rural and remote areas of every state and the Northern Territory. The inquiry received 287 written and e-mailed submissions. The inquiry also commissioned a survey from Melbourne University to which 3,128 individuals responded. This report presents the inquiry findings related to rural education outcomes, responsibility for education, the policy context, and the human rights context. It offers 73 recommendations organized by five necessary features of school education: availability, accessibility, affordability, acceptability, and adaptability. The report makes the adoption of these five features by all education policy makers and providers in Australia its first recommendation. A separate chapter describes necessary policy parameters for the implementation of all inquiry recommendations, including the need for cross-sectoral and interagency collaborations, a new funding framework for rural and remote education, and other strategies. Appendices contain 26 references, extracts from international treaties, and lists of hearings and submitters. (TD)

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National Inquiry into Rural and Remote Education

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Human Rights and
Equal Opportunity Commission

Human Rights Commissioner

Hon Daryl Williams AM QC MP
Attorney-General
Parliament House
Canberra ACT

Dear Attorney

I present Recommendations, the report of the Commission's National Inquiry into Rural and Remote Education.

Yours sincerely

Chris Sidoti
Human Rights Commissioner

25 May 2000

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Definitions

Child - We use this term in the same way it is used in the UN *Convention on the Rights of the Child*, that is to mean everyone under the age of 18 years.

Early childhood - Although the inquiry's terms of reference are confined to 'school education' we have found that early childhood programs are essential to the child's chances of success at school. We therefore make recommendations about early childhood programs. These should cover the child's and parents' needs from birth to school commencement. In this text we use the term 0 to 5 years.

Education providers - We address many recommendations to 'education providers'. Education providers are the authorities directly responsible for the organisation, funding and provision of schools. They are principally State and Territory education departments and Catholic Education Commissions and Offices. Others include the Board of Lutheran Schools.

Homeland Centres - Many Aboriginal people, predominantly in northern Australia, choose to live in 'Homeland Centres' for at least part of the year in preference to larger communities. Typically Homeland Centre communities are small family groups living on their traditional land and serviced to some extent from the larger community of which they are satellites. In 1987 the House of Representatives Standing Committee on Aboriginal Affairs defined Homeland Centres (and outstations) as 'small decentralised communities of close kin, established by the movement of Aboriginal people to land of social, cultural and economic significance to them' (*Return to Country*).

Indigenous - We use this term to include Aboriginal and Torres Strait Islander people. Everyone who is of Aboriginal or Islander descent, identifies as Indigenous and is so identified by his or her community is included.

School communities - A 'school community' is the group of people focused on and participating in education in a school or town. Members include students and their parents, teachers, para-professionals and auxiliary staff, P&C or P&F members and often other members of the town community.

Special needs - In this report we use the term 'special needs' when referring in general to students with special learning needs requiring special and additional learning support. The term 'students with disabilities' is used in the context of the

Disability Discrimination Act 1992 (Cth) or when referring to the established criteria for funding educational support for students with disabilities. 'Special needs' is an all-inclusive term which applies to students with behavioural and learning difficulties who are not always covered by the term 'disabilities' as well as to students with acknowledged disabilities.

Glossary

ABS	Australian Bureau of Statistics
AIC	Assistance for Isolated Children (Commonwealth income support)
AIEW	Aboriginal and Islander Education Worker
ASSPA	Aboriginal Student Support and Parent Awareness (DETYA funding program)
ATSIC	Aboriginal and Torres Strait Islander Commission (elected national representative body)
CAP	Country Areas Program (DETYA funding program)
CROC	UN *Convention on the Rights of the Child* (extracts in Appendix 4)
CITEP	Community-based Indigenous Teacher Education Program (at Boggabilla NSW)
DDA	*Disability Discrimination Act 1992* (Cth)
DETYA	Department of Education, Training and Youth Affairs (Commonwealth)
ESL	English as a Second Language
GSAF	Griffith Service Access Frame
GST	Goods and Services Tax
HECS	Higher Education Contribution Scheme
HREOC	Human Rights and Equal Opportunity Commission
HREOCA	*Human Rights and Equal Opportunity Commission Act 1986* (Cth)
ICESCR	*International Covenant on Economic, Social and Cultural Rights* (extracts in Appendix 4)
ICPA	Isolated Children's Parents' Association
ILO	International Labour Organisation
ISDN	Integrated Services Digital Network
IT	Information Technology
IT&T	Information Technology and Telecommunications
KLA	Key Learning Area
LOTE	Languages Other Than English
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs: www.curriculum.edu.au/mceetya/mceetya/mceetya.htm

P&C	Parents' and Citizens' Association
P&F	Parents' and Friends' Association
RATEP	Remote Area Teacher Education Program (James Cook University Qld)
RTS	Remote Teaching Service (Education Department of WA)
TAFE	Technical and Further Education (Colleges)
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNTS	United Nations Treaty Series
USO	Universal Service Obligation
VET	Vocational Education and Training
VISE	Volunteers for Isolated Students' Education
YRC	Youth Research Centre (The University of Melbourne)

1 The inquiry

Background

The National Inquiry into Rural and Remote Education was initiated by the Human Rights and Equal Opportunity Commission (HREOC) in February 1999. The Commission's 1998 *Bush Talks* consultations on the human rights concerns of regional, rural and remote Australians had revealed that access to education of an appropriate standard and quality was a significant concern in rural and remote areas.

The inquiry investigated the provision of education for children in rural and remote Australia with reference to:

- the availability and accessibility of both primary and secondary schooling
- the quality of educational services, including technological support services
- whether the education available to children with disabilities, Indigenous children and children from diverse cultural, religious and linguistic backgrounds complies with their human rights.

The inquiry process

The inquiry received 287 written and E-mailed submissions including one from the government or the education department in every State, the Northern Territory and the Commonwealth (see Appendix 1). A high proportion of submissions (105) discussed the difficulties associated with staffing rural and remote schools. Other issues raised with concern or described and discussed in significant numbers included:

- special education and the needs of students with disabilities: 82 submissions
- education costs and financial assistance: 81 submissions
- distance education: 73 submissions
- information technologies: 66 submissions
- Indigenous education: 62 submissions
- school-related travel: 57 submissions.

The inquiry took evidence at formal public hearings in every State and Territory including every capital city and held less formal meetings with parents, students, teachers, other education workers and community members in rural and remote areas in every State and the Northern Territory (see Appendix 2). The inquiry also commissioned a survey (the YRC survey) from the Youth Research Centre at Melbourne University to which 3,128 individuals responded in writing or during a two day phone-in.

We wish to record our gratitude to all who participated. The generous assistance provided to the inquiry by witnesses and those making written submissions is very much appreciated.

We acknowledge, too, the great deal of effective creativity and commitment on the part of principals, teachers, students, parents and many other community members as well as policy makers and administrators in both the government and non-government education, health and other sectors which the inquiry observed. While this report necessarily focuses on what remains to be done, other publications of the inquiry highlight exceptional examples of best practice throughout rural and remote Australia.

Interested readers can find a great deal of the information received by the inquiry on the Commission's website, including the report of the YRC survey, briefing papers, transcripts and notes of evidence and submissions received electronically at www.humanrights.gov.au/human_rights/rural/education .

In March 2000 the inquiry published *Emerging Themes*, a summary of the evidence received on the principal themes raised by submissions and witnesses. This publication and others of the inquiry are available on the website as well as in hard copy from the Commission. Publications to be released in July and August 2000 are *Education Access* and *School Communities*.

The inquiry identified the first key question posed for its recommendations and for government action as

What is necessary to ensure that, by the age of 18, each child in Australia has received the education he or she requires to participate to his or her full potential in the social, economic, political and cultural life of the community?

In answering this question, the inquiry accepted that there would be resource implications. Although money will not solve every problem, it is necessary. Some

of our recommendations do not involve additional costs and some propose better use of existing resources. However, we have concluded that substantial additional resources are required to ensure equity and effectiveness in rural and remote education. The inquiry's second key question, then, is

Are we as a national community prepared to do whatever is necessary to ensure adequate education for every child in rural and remote Australia?

Boulia State School students Qld.

If students have to board they have to find their own place. They waste time finding places. Boarding gives the student more time for studying each day whereas if they had to travel they'd be losing study time. There's nowhere in Bairnsdale where students could board together. It would be easier on them and they'd be more settled in school (student meeting in Bairnsdale Vic).

2 Rural and remote education - the inquiry's context

In this chapter

- rural education outcomes
- responsibility for education
- the policy context
- related inquiries
- the human rights context.

Rural education outcomes

In August 1998 3.2 million full-time students were attending school in Australia. Overall two-thirds of them were in government schools and one-third in non-government schools. Almost three-quarters (73%) of primary students were in government schools compared with two-thirds (65%) of secondary students (*Report on Government Services 2000*, Volume 1, pages 31 and 48).

Between one-quarter and one-third of Australian students attend school or undertake distance education in rural and remote areas. Only about 5% of students attend schools which qualify for the Commonwealth's Country Areas Program (CAP) funding and only 12,243 students receive the Commonwealth's Assistance for Isolated Children, fewer than 1% of all Australian students.

Country school enrolments are smaller on average than those in urban areas with the result that a significantly higher proportion of schools than students are located in rural areas. For example in NSW and Victoria 48% of government schools are in non-metropolitan areas compared with only about 34% of students. In the NT nearly 53% of schools but just over 23% of students are located in remote areas.

All rural and remote students

Country students are less likely to finish school than their metropolitan counterparts.

Year 12 estimated (a) completion rates (b) by locality (c), sex and State/ Territory - 1998 (%)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Capital city									
Males	64	62	66	58	61	75	78	45	63
Females	73	77	73	67	76	85	86	60	74
Total	68	69	69	63	68	80	82	52	68
Other metropolitan									
Males	48	55	60	(d)	(d)	(d)	(e)	(f)	54
Females	62	69	69	(d)	(d)	(d)	(e)	(f)	65
Total	55	62	64	(d)	(d)	(d)	(e)	(f)	59
Rural centres									
Males	51	48	63	46	49	62	(e)	(f)	54
Females	63	67	70	56	61	72	(e)	(f)	66
Total	57	57	67	51	55	67	(e)	(f)	60
Other rural & remote									
Males	55	54	62	47	52	52	(e)	23	54
Females	75	78	81	64	75	70	(e)	25	74
Total	64	65	71	55	62	61	(e)	24	63
All areas									
Males	59	59	64	56	58	65	78	34	60
Females	71	75	73	66	74	77	86	43	72
Total	65	67	68	61	66	71	82	39	66

Notes

(a) These figures are estimates only based on the number of Year 12 completions as a proportion of the estimated population that could be attending Year 12

(b) Completion means 'issued with a Year 12 certificate'

(c) Based on Department of Primary Industry and Energy classifications

(d) There are no 'other metropolitan' areas in these States

(e) All of the ACT is defined as 'capital city'

(f) There are no 'other metropolitan' or 'rural centres' in the NT

Source: *Report on Government Services 2000*, page 82

Early school-leavers are most at risk in 'the new age of transition', the features of which are identified by the Dusseldorp Skills Forum as including a drop in the number of teenagers in apprenticeships and

... the collapse of the full time teenage labour market; exponential growth in casual and temporary part-time work; the end of 'lifelong employment' and the emergence of 'lifelong learning' in its wake; a phenomenal rise in the participation of young people in higher education ... a growing incidence of parental break-up; easy access to drugs and alcohol; and a marked decline of religious belief and affiliation (1999, page 3).

Yet, based on their sample of 7,023 secondary students in NSW, WA and Victoria, James et al concluded

Australian students in the upper secondary years of 10, 11 and 12 have a strong desire to achieve success at school that cuts across social strata and geographical location (1999, page 40).

However, James et al found that, on average, rural and isolated families and communities place a lower value on education and its relevance than urban families and communities (1999, page xvi).

For rural students in families and communities where higher education is seen as less relevant to life and employment, completing school and going on to university is not yet the norm (James et al 1999, pages xvi-xvii).

Although they are around 30% of the population, rural and remote people constitute only about 19% of tertiary students in Australia. Isolated students are most significantly under-represented: 4.5% of the total population but only 1.8% of tertiary students (James et al 1999, page 4).

Overall, the educational disadvantage of rural students is the result of twin effects: they are more likely than urban students to perceive 'discouraging' inhibitors and barriers, such as the cost of living away from home or losing touch with friends, while at the same time they are likely to experience lower levels of 'encouraging' factors, such as parental encouragement or the belief that a university course will offer them an interesting and rewarding career (James et al 1999, page xvi).

Indigenous students

A significant number of Indigenous students do not complete the compulsory years of schooling. For example, only 94.2% of Indigenous students progressed from Year 8 in 1997 to Year 9 in 1998 (DETYA submission, page 89). In 1994 over one-third of Indigenous 15 to 24 year olds had not completed Year 10 (ATSIC submission, page 15).

[T]he non-completion rate can be far greater for rural and remote locations, for example, 63.4% for Bourke and 84.2% for Aputula (David Curtis, ATSIC Commissioner, Melbourne hearing).

Attendance by those enrolled is also relatively low, sometimes falling to an estimated 20% attendance, for example during ceremony times (ATSIC submission, page 26). The school retention rate to Year 12 for Indigenous students is around 32% compared to almost 73% for all students (DETYA submission, page 89).

Students with disabilities

Participation in mainstream schools by students with disabilities is difficult to gauge due to inadequate national data. In Tasmania 'the majority of students with disabilities (68%) are educated in mainstream schools, with the balance enrolled in special schools which are located in the major population centres. There are 98 mainstream schools in regional Tasmania which currently enrol at least one student with moderate to severe disabilities' (Government of Tasmania submission, page 7).

Education Queensland advised that 3% of the State's student population have a disability (13,110 students). Of these, 9,000 are considered to have high special needs. Of these 9,000, 2,500 attend special schools and 6,500 are enrolled in 300 special classes in mainstream schools or receive Visiting Teacher support in local schools (submission, page 15).

James et al (1999, page 4) estimate that 4% of Australians aged 15-64 years have a disability and are potentially able to enter higher education. Yet in 1997 only 1.3% of tertiary students reported having a disability.

Significance of outcomes

When reliable data show that rural and/or remote area students are less likely to participate in schooling, more likely to be absent, less likely to complete the compulsory school years, less likely to complete Year 12 and less likely to participate in tertiary education and training, it is clear that the adequacy and allocation of effort and resources must be examined. The UNESCO *Convention against Discrimination in Education*, to which Australia is a party, states that an inferior standard of education can amount to unlawful discrimination (article 1.1(b)).

Responsibility for education

School education is a State and Territory responsibility under Australia's Constitution. The Commonwealth's responsibility is principally for funding. The Commonwealth's funding capacity enables it, to some extent, to co-ordinate policy and to fill gaps in provision and quality. For example, federal Education Minister, the Hon. Dr David Kemp, told an Indigenous Education conference in 1999 that part of his new approach to Indigenous education would involve

Leverag[ing] the Commonwealth's mainstream school funding to the States and Territories for the 2001 - 2004 quadrennium to ensure that Indigenous students are made a mainstream education priority, with specific reporting on Indigenous educational outcomes (Unicorn 1999, pages 12-13).

International treaties hold the Commonwealth ultimately responsible for ensuring respect for human rights, including the right to education.

States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination (General Comment No. 13, paragraph 37).

For a detailed description of national education provision see the *Report on Government Services 2000*, Volume 1, by the Steering Committee for the Review of Commonwealth/State Service Provision.

The policy context

All State and Territory education departments now recognise the need to introduce policies and strategies to overcome rural disadvantages in education as highlighted by significant differences in education outcomes. They adopt somewhat different approaches to overcoming the disadvantages experienced. Some examples are highlighted in the chapters that follow.

DETYA

The Commonwealth Department of Education, Training and Youth Affairs (DETYA) described its roles in relation to school education as being to:

- support the Government's efforts to respond in an integrated and balanced way to the education and training needs of all Australians, particularly its young people
- establish a national policy framework for school level education, post-compulsory education and the transition between education and work
- improve access to education for disadvantaged groups including Indigenous and isolated students and
- coordinate Commonwealth policy in relation to young people (DETYA submission, page 3).

MCEETYA

The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) was established in January 1994 when three former Ministerial Councils were merged. MCEETYA membership comprises Australian State, Territory, Commonwealth and New Zealand government ministers with responsibility for the portfolios of education, employment, training and youth affairs.

MCEETYA has established a number of taskforces to investigate and report on specific topics including teacher preparation and recruitment, the Disability Discrimination Act and education, Indigenous education, VET in schools and rural and remote education, employment, training and children's services.

Adelaide Declaration

The 'Hobart Declaration' of 1989 was the first national collaboration on 10 Common and Agreed Goals for Schooling. MCEETYA revised the goals in 1999 in the *National Goals for Schooling in the Twenty-first Century* or the 'Adelaide Declaration'.

Common and agreed goals for schooling establish a foundation for action among State and Territory Governments with their constitutional responsibility for schooling, the Commonwealth, non-government school authorities and all those who seek the best possible educational outcomes for young Australians, to improve the quality of schooling nationally (Adelaide Declaration 1999, Preamble).

The goals adopted by State, Territory and Commonwealth Ministers of Education include the following:

- schooling should develop fully the talents and capacities of all students
- students should, by the time they leave school, have attained high standards of knowledge, skills and understanding through comprehensive and balanced curriculum in the compulsory years of schooling
- schooling should be socially just so that students' outcomes from schooling are free from the effects of negative forms of discrimination and of differences arising from students' socio-economic background or geographic location.

A national country task force has been established by MCEETYA to focus on case studies from around Australia of workable and potentially workable strategies to improve education, employment training and children's services in rural and remote areas.

National Aboriginal and Torres Strait Islander Education Policy

The *National Aboriginal and Torres Strait Islander Education Policy* of 1989 was endorsed by all Australian Governments and reaffirmed by MCEETYA in 1995. The Policy aims to achieve educational equality for Indigenous Australians and establishes as the standard for Indigenous Australians, the level of educational access, participation and outcomes achieved by non-Indigenous Australians.

On 29 March 2000 the Prime Minister and the Minister for Education, Training and Youth Affairs announced a further major commitment to Indigenous educational equality. The *National Indigenous English Literacy and Numeracy Strategy* envisages that the Commonwealth will work with each education provider to develop an implementation plan and commits $27million over four years to pilot projects in the most disadvantaged areas of each State and Territory. Projects successfully piloted will require a commitment on the part of State and Territory education and other departments for their longer term future and for expansion to other communities. Many of the strategies outlined are consistent with the inquiry's recommendations as noted in the chapters that follow.

Regional Australia Summit

Late in October 1999 the Deputy Prime Minister, the Hon. John Anderson, convened a summit meeting in Canberra on regional Australia. Almost 300 delegates discussed a range of critical issues including education provision.

The Summit recognised that rural communities 'want to include and invest in their youth' (Regional Australia Summit 1999 Communique).

Government, industries and communities must invest significant ongoing resources in skilling, learning, education and training, and leadership to develop the human capacity of regional Australia. Distribution of these resources needs to be inclusive of all sectors of regional society (Regional Australia Summit 1999 Communique).

The Summit's Education and Training Working Group identified four key priorities:

1. Ensuring access to quality/appropriate learning opportunities and to eliminate the barriers to participation.

2. Establishing life-long learning which embraces innovation and change.
3. Facilitate collaboration and partnerships between educational and training providers, industry, and the community to ensure quality education to regional and rural Australia.
4. Supporting/encouraging local community planning and ownership of learning designs.

Related inquiries

The policy context for rural and remote education has shifted markedly in the last two years or so as the unique concerns of regional Australia have found a national audience. In addition to the 1987 Commonwealth Schools Commission report, *Schooling in Rural Australia*, a number of inquiries have been conducted during the same period as the HREOC inquiry. These are briefly described below. The Commission warmly applauds the efforts of those involved in these reviews and endorses and adopts many of the recommendations put forward.

Schooling in Rural Australia

In November 1987 the Commonwealth Schools Commission delivered its report, *Schooling in Rural Australia*, to the then federal Education Minister, the Hon. John Dawkins. The Commission made ten recommendations to improve rural schooling access and quality. All ten recommendations referred 'to areas in which the Commission considers the Commonwealth has a direct responsibility, or is in a particularly good position to initiate collaborative activities with school authorities' (page 210). The recommendations dealt with

1. funding support for rural hostels and other boarding arrangements
2. Assistance for Isolated Children
3. rural schools curriculum development
4. Austudy
5. rural-urban student exchanges
6. in-servicing of teachers on teaching Aboriginal students
7. off-campus teacher education
8. information technologies
9. school retention initiatives
10. Country Areas Program funding boost (*Schooling in Rural Australia*, pages 214-216).

It was put to the HREOC inquiry that even today full implementation of these 1987 recommendations would go a long way towards addressing the future needs of rural and remote school education (Barbara Preston submission, pages 8-9).

The Commonwealth Schools Commission has since been abolished.

Education - Country Call SA

Early in 1999 the SA Department of Education, Training and Employment, through its new Country Services Directorate, invited community input into the design of solutions to problems specific to country districts. The consultations, 'Education - Country Call', involved 74 meetings held at 29 different locations statewide with nearly 1,200 participants. In addition written submissions and calls to a telephone hotline were received.

Five major themes emerged from the consultations:

- improving access and choice (including transport)
- staffing (including country incentives)
- the availability and quality of appropriate services
- improving outcomes
- training and development.

Actions taken revolve around the establishment of *Partnerships 21* in April 1999 as a key strategy for introducing flexibility and adaptability to local needs and expectations into education provision in South Australian government schools.

Learning lessons NT

Following the late 1998 announcement that the NT Education Department would no longer fund bilingual education in government schools, former Senator Bob Collins was commissioned to review Indigenous education in the Territory during 1999. The Collins review inquired into:

- the views and educational aspirations of Indigenous parents and community members in relation to their children's schooling, with particular reference to English literacy and numeracy
- the key issues affecting educational outcomes for Indigenous children
- supportable actions for educational outcome improvements (*Learning lessons*, page 1).

Following an extensive consultation process, including visits to Aboriginal communities throughout the Territory, *Learning lessons* was published in October 1999. Among many detailed recommendations, Collins proposed that the NT Education Department should support '"two-way learning" programs in schools where the local community wants such a program' (Recommendation 98).

The report was generally favourably received by the NT Government and by Aboriginal organisations. The Minister for Education responded in a Statement to the Parliament on 24 November 1999.

Country Roads WA

In WA the State Government's Rural and Remote Education Advisory Council recently launched *Country Roads: Pathways to Better Education and Training in Rural and Remote Western Australia 2000-2003* (27 April 2000). It is 'a new State Government plan for education and training in Western Australia's rural and remote areas', charting 'a new direction based on partnerships forged through negotiation and cooperative endeavour' (Minister for Education and Minister for Employment and Training, foreword).

Time running out

The report of the House of Representatives Standing Committee on Primary Industries and Regional Services inquiry into infrastructure and the development of Australia's regional areas was tabled on 13 March 2000. The Committee dealt with schools as 'social physical infrastructure' and teachers as 'social soft infrastructure' (paragraph 14.2). Many of the Committee's recommendations and policy principles are endorsed by this Commission as noted in the following chapters.

Katu Kalpa

The Senate Employment, Workplace Relations, Small Business and Education References Committee report, *Katu Kalpa*, was tabled on 16 March 2000. It reports the findings and recommendations of the Committee's inquiry into the effectiveness of education and training programs for Indigenous Australians. Many of the Committee's findings mirror those of the HREOC inquiry and many of its recommendations are endorsed below.

The human rights context

Australia ratified the UN *Convention on the Rights of the Child* (CROC, 1989) in 1990. By doing so, Australia has undertaken to 'respect and ensure' the rights of every child including the right to education without discrimination of any kind (article 2.1). Article 28.1 sets out the right to education.

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make education and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop out rates.

In article 29.1 CROC also sets out the aims of education.

States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, the country from which he or she may originate and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of Indigenous origin;

(e) The development of respect for the natural environment.

Australia ratified the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966) in 1975. Article 13 is in similar terms to CROC articles 28 and 29.

It provides in part

1. *The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*

2. *The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right*

(a) *Primary education shall be compulsory and available free to all;*

(b) *Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

(c) *Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*

(d) *Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.*

(e) *The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*

To the extent that ICESCR sets a higher standard than CROC, as on the provision of free secondary education, that is the standard Australia has undertaken to meet. The Commission's jurisdiction includes CROC but not ICESCR. However, to the extent that ICESCR rights mirror those in CROC, the jurisprudence of the Committee on Economic, Social and Cultural Rights, especially *General Comment No. 13* (1999), is an important aid to the interpretation of CROC provisions (see Appendix 4). CROC article 41 makes clear that the Convention cannot be used to undermine provisions of either domestic law or other binding international instruments which are 'more conducive to the realization of the rights of the child'. Thus where ICESCR sets a higher standard than CROC, that higher standard is also required by CROC.

CROC (article 29.2) and ICESCR (article 13.3 and 13.4), together with the *International Covenant on Civil and Political Rights* (1966, article 18.4) and the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981, article 5), guarantee the rights of parents to educate their children in the religion or belief of their choice and the right of parents and others to establish schools (see Appendix 4). Privately established schools must meet national minimum standards but there is no obligation on the government to provide or ensure choice by funding private schools where a government school is available (Committee on Economic, Social and Cultural Rights, *General Comment No. 13* (1999), paragraph 54; *Blum, Lindgren and Hoard Cases*).

The Committee on Economic, Social and Cultural Rights and the Special Rapporteur on Education of the UN Commission on Human Rights have analysed the content of the international human right to education as set out in ICESCR and CROC. We have adopted their analytical framework for the purposes of evaluating Australia's performance and for identifying what further action is needed. This framework is set out in Chapter 3.

Appendix 4 sets out the full text of the provisions of international instruments, including Covenants, Conventions, Declarations and Rules, mentioned in this report.

Students meeting with the inquiry during Moree's Croc Eisteddfod 1999.

Maybe a lot of students are deterred from going on to Uni because of accommodation costs and being away from home. A bit more money could be added to rural children's Austudy. That might entice them a bit more to go on (student meeting in Bairnsdale Vic).

If you live in a country area you are more likely to come back to the country so it would be an investment for the government to support us in our tertiary study (student meeting at Port Lincoln SA).

3 Evaluation framework

Education must be

- available
- accessible
- affordable
- acceptable
- adaptable.

In this chapter we define these criteria by reference to international human rights jurisprudence.

Availability

'Availability' means that 'functioning educational institutions and programmes have to be available in sufficient quantity'.

What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology (Committee on Economic, Social and Cultural Rights, General Comment No. 13 (1999), paragraph 6; see Appendix 4).

Availability, like all other criteria, is conditioned by other obligations, including the requirement that education be available to all without discrimination of any kind. Geography, remoteness, distance, language, culture, religion, disability and sex cannot be used as excuses when a child's right to education is at stake.

The rule against discrimination is also found in the UN Charter (article 55), the *UNESCO Convention against Discrimination in Education* (1962), the *International Convention on the Elimination of All Forms of Racial Discrimination* (1969) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (1981). Australia has ratified each of these instruments and has thereby undertaken to 'ensure' that no discrimination occurs, either in law or in actual practice.

Non-discrimination is the overriding principle of international human rights law and thus applies to civil and political, economic, social and cultural rights, as well as to the rights of the child which cut across these two categories. Non-discrimination is not subject to progressive realization but has to be secured immediately and fully (Special Rapporteur's statement on 8 April 1999).

Accessibility

Education must be 'within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or provided via modern technology (e.g. access to a "distance learning" programme)' (*General Comment No. 13*, paragraph 6).

According to CROC article 23, children with disabilities have the right to all the support necessary to become as self-reliant as possible. Article 23. 1 provides

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Article 23.3 requires that children with disabilities be ensured access to education

Recognizing the special needs of a disabled child, assistance ... shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

Affordability

Primary education must be 'free of charge'. The Committee on Economic, Social and Cultural Rights has noted that this language is used 'to ensure the availability of primary education without charge to the child, parents or guardians' since '[f]ees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right [to education] and may jeopardize its realisation'. The Committee warns against the imposition of indirect costs including voluntary

levies or 'the obligation to wear a relatively expensive school uniform' (*General Comment No. 11*, paragraph 7).

Australia has undertaken to introduce, progressively, a free secondary education (ICESCR article 13.2(b)). Once free secondary education has been achieved, only exceptional reasons will justify the reintroduction of fees.

There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education ... If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources (Committee on Economic, Social and Cultural Rights, General Comment No. 13, paragraph 45).

Acceptability

'Acceptability' means that 'the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents' (*General Comment No. 13*, paragraph 6).

The State is obliged to ensure that all schools conform to the minimum criteria which it has developed as well as ascertaining that education is acceptable both to parents and to children. Education can represent a denial of the right to be different if it does not recognize and respect indigenous and minority rights (Special Rapporteur's statement on 8 April 1999).

The ILO *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 169, 1991), not yet ratified by Australia, reflects the principle of acceptability in article 27.

1. *Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.*
2. *The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.*

3. *In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.*

Adaptability

'Adaptability' means that 'education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings' (*General Comment No. 13*, paragraph 6).

The education provided for each child needs to be geared to achieving the aim of developing his or her personality, talents and mental and physical abilities to their fullest potential (*Convention on the Rights of the Child* article 29.1(a)). This means that education needs to be individually tailored *to the extent needed* to promote the individual's development as described.

Recommendation 3.1: All governments and education providers should adopt the five criteria of availability, accessibility, affordability, acceptability and adaptability as defined by the Committee on Economic, Social and Cultural Rights in education policy, funding, provision strategies and evaluation programs so that they become an entrenched commitment to every child in Australia.

4 Policy framework

The value of a HREOC inquiry within a human rights framework is that the Commission, informed by witnesses and submissions and its own research and that of others, is in a position to advise not only on the appropriate interpretation of Australia's human rights obligations but also on the practical implementation of those obligations in the unique Australian context. This chapter sets out key policy principles the adoption of which are essential to the successful implementation of the right to education in rural and remote Australia. The recommendations deal with

- child-focused policy and implementation
- education in context
- local partnerships
- planning for the future
- funding real costs
- dissemination of best practice models

Child-focused policy and implementation

In decision-making about education provision the best interests of each child affected must be a primary consideration (*Convention on the Rights of the Child* article 3.1). As Australia's High Court has noted

[A] decision-maker with an eye to the principle enshrined in the Convention would be looking to the best interests of the children as a primary consideration, asking whether the force of any other consideration outweighed it (Ah Hin Teoh 1995, page 292).

Parents and other family members are, naturally, vitally interested in the education provided for their children. Their right to guide their children in the exercise of their human rights is protected by the *Convention on the Rights of the Child* (article 5). Children who are sufficiently mature to understand the issues are also entitled to have a say in their education and decision-makers must develop methodologies for collecting and taking account of their freely expressed views (CROC article 12). The Committee on Economic, Social and Cultural Rights has emphasised that education must be 'acceptable' to the students. Satisfaction of the acceptability criterion clearly

requires the participation of students at least to the extent of evaluating the quality of education provision. Acceptability may be further enhanced when students are also involved in the planning and design of education facilities and curricula.

Education provision must be flexible to ensure that education providers can meet the needs of students. This is a core objective of South Australia's *Partnerships 21* funding program. This theme also runs through the recent WA plan for delivering education in rural and remote areas, *Country Roads*. For example, strategy 1.6 commits the WA Education Department to 'apply[ing] learning programs, methods of teaching and evaluation that are more in tune with the ways students learn best and with their social, cultural, language and developmental backgrounds'.

Child-focused policy and provision

Finding: A one-size-fits all education modelled on urban situations has failed many students in rural and remote areas. Education is an individual right and must be implemented to meet the individual needs of each child. The rule against discrimination does not justify a 'one education fits all' approach. Such an approach would be ineffective in ensuring quality education for all children.

> Recommendation 4.1: The right of every child to an education which develops his or her personality, talents and mental and physical abilities to their fullest potential should be the key commitment of education policy in every jurisdiction and every system, public and private, and for the provision of education throughout Australia.

Focus on the whole child

Finding: Education delivery in isolation from other social services fails to recognise the inter-relationships between, for example, family poverty, the child's health and well-being and his or her education experience and outcomes. As social services, notably health and allied services, are withdrawn from rural and remote areas, the education system struggles on alone attempting to meet the diverse needs of students. *Katu Kalpa*, in chapter 8 and recommendations 28 and 29, underlines the significance of good health to education success. Recommendation 29 provides in part that ministerial councils should identify 'linkages between education and health care initiatives'. The Commonwealth's *National Indigenous English Literacy and Numeracy Strategy* envisages a number of projects to enhance the health and well-being of Indigenous students (2000, pages 22-25).

Recommendation 4.2: The focus of education policy must be on the whole child and must aim to ensure the student is and remains in good health so as to take advantage of education. Education providers should build networks and partnerships as necessary to ensure the health and well-being of students, in particular through nutrition programs and establishing effective access to assessment and intervention services.

Education in context

The focus on the whole child requires the close co-operation of all relevant agencies. A whole-of-government approach to education will involve inter-departmental problem solving and resource allocation avoiding duplication and encouraging planning and pooling of resources. It will also assist to ensure that policies affecting school education are consistent and mutually supportive.

The policies of different levels of government - and sometimes the policies of a single government - can interact in a way which means that they pull in different directions (Productivity Commission 1999, page 368).

Current rural economic instability and social circumstances make the delivery and maintenance of children's, community and social services much more difficult and tenuous but at the same time more essential.

Whole-of-government strategy

Finding: Education requires resources and support mechanisms beyond the jurisdiction of education departments. There is no mechanism at present to coordinate policy advice to government or program development and implementation across government departments or across the different levels (federal, State and Territory) of government.

Recommendation 4.3: Commonwealth, State and Territory governments should develop a national rural and remote education strategy, with State and Territory components, that takes into consideration telecommunications, transport, subsidies and allowances to families and students, sporting and recreational facilities, teacher training and regional planning.

Local partnerships

The requirement that education be adaptable to the needs of each child means that some decisions about provision and quality must be made at the local level. The imposition of urban regulation, urban models and urban funding and staffing formulas has had a damaging impact on rural and remote area education, disempowering country students, families and teachers and ensuring under-resourcing of rural and remote schools.

Australia-wide policies which cannot accommodate the differing circumstances of individual regions can also impede regional development and impair a region's capacity to adjust to change by seeking new activities (Productivity Commission 1999, page 368).

Parents have a responsibility to guide their children in the exercise of the right to education (CROC article 5). Children's education must be directed to, among other things, the development of respect for the child's parents and cultural identity and for national values (CROC article 29). Children also have a right to participate in education decision-making in a manner consistent with their level of maturity (CROC article 12). Effective and well-resourced partnerships at the community level which engage parents and students with other stakeholders are the best means by which these rights might be exercised.

Communities want to share responsibility with government for development of their regions. Communities don't want solutions imposed on them. One size does not fit all (Regional Australia Summit 1999 Communique).

In the context of Indigenous education *Katu Kalpa* acknowledged

For any Indigenous educational program to succeed it will need to gain the support of the local community. The importance of Indigenous participation in designing and implementing programs has been stated consistently since the 'Report into Aboriginal Deaths in Custody' and is integral to self determination (paragraph 8.70).

Local partnerships can ensure that education provision meets local needs and expectations as well as satisfying national minimum standards. They need to be well-resourced and empowered to take and implement significant decisions. To this end *Time running out* recommends the establishment of leadership development programs (Recommendation 3).

Rural development and leadership need to be seen as part of the same process ... The committee considers that encouragement of local leadership and support for communities that are lacking skills are basic to developing self-starting, self-sustaining and resilient regions (Time running out, paragraph 2.1).

Government, industries and communities must invest significant ongoing resources in skilling, learning, education and training, and leadership to develop the human capacity of regional Australia. Distribution of these resources needs to be inclusive of all sectors of regional society (Regional Australia Summit 1999 Communique).

Centrally-imposed regulations, rules and requirements will need to be made more flexible to permit this (see Productivity Commission 1999, pages 366-368 discussing self-help initiatives and the need to remove impediments to reform).

The three tiers of governments must remove unnecessary regulatory impediments which increase the cost of doing business and stifle innovation and action in regional Australia (Regional Australia Summit 1999 Communique).

The Regional Australia Summit recognised the significance of local partnerships.

Community development will not happen without government, business and community stakeholders each making their various contributions towards locally developed plans within a regional context (Regional Australia Summit 1999 Communique).

The interim report of the Regional Australian Summit Steering Committee, published in April 2000, endorses the central significance of local partnerships.

The Steering Committee is guided by the following principles that emerged from the deliberations of Summit delegates:

- *governments, businesses and communities have a joint responsibility to address the problems facing regional Australia and should work together in a spirit of partnership;*
- *a "bottom up" rather than a "top down" approach should be built into responses aimed at empowering communities at the local level;*
- *initiatives should be sufficiently flexible to cater for the particular circumstances and needs of various regional, rural and remote communities (Regional Australia Summit 2000 Interim Report).*

Likewise the Adelaide Declaration makes a commitment to collaboration.

The achievement of these common and agreed national goals entails a commitment to ...

further strengthening schools as learning communities where teachers, students and their families work in partnership with business, industry and the wider community (Preamble).

School-community partnerships

Finding: To make significant inroads for rural and remote communities, policy and practice must be informed and directed by the reality of rural people's existence. Many examples of successful local partnerships were presented to the inquiry. Much more can be done to establish, skill, sponsor and support local school (teachers, students and parents), community, government and business partnerships in the interests of students' education and future opportunities.

Recommendation 4.4: MCEETYA should establish a Rural School Communities Taskforce to provide a higher profile to school community partnerships. This Taskforce should promote partnership building as a valued role for rural and remote area school leaders and teaching staff.

Planning for the future

While rationalisation is likely to continue, it is important that services and infrastructure are not withdrawn based exclusively on the rationale of economic formulae or in response to economic stimuli. A holistic view is recommended that allows potential solutions to be developed on an integrated basis. This means that a national rather than simply a regional or local plan be put in place that acknowledges human needs and social equity. The long term outcomes of economic rationalist decisions do not consider the human or environmental implications ... (Haslam McKenzie 1999, page x).

Children should be educated for a future of participation, responsibility, fulfilment and opportunity. That future must be created for all Australians. However, Australia lacks a comprehensive national rural development plan. In particular, Australia lacks a comprehensive rural education plan. James et al for the Higher Education Council (1999, page xviii) recommend the establishment of a Rural Education and Employment Taskforce whose terms of reference would be to oversee a series of new initiatives for improving the education and employment opportunities for young people in country Australia.

A rural development policy worthy of the name will include a compelling vision of what an excellent rural education should encompass. It also will address the issue of how best to make education a central part of the overall rural agenda (Sher and Sher 1994, page 39).

One Indigenous community which has taken responsibility for its own future and its own planning is Nguiu, the Tiwi community on Bathurst Island in the NT. The community there has identified all the jobs required to be done and the skills needed for them. It has now developed and is implementing a program to ensure that Tiwi people are adequately trained and qualified to take each position by the year 2010.

We're heading towards 2010, maybe sooner, to take over the main positions that the non-Tiwis have on this island. We are heading towards this position and as you know education is a major key; it plays a major role towards that. So the education has to be one that our children are happy with and we want our children to succeed and to achieve outcomes in that process (public meeting at Nguiu NT).

Traditional service models may not be feasible, appropriate or viable in many rural localities due to low population densities, large distances and economic, geographic and climatic factors. In rural Australia, concepts of services for children and others need to be responsive to a wide diversity of local patterns and issues.

Planning must be long-term as the Tiwi people have demonstrated. But annual funding cycles significantly undermine even three or five year planning strategies. The inquiry endorses the *Katu Kalpa* recommendation that 'funds under special purpose grants be provided to schools over a triennium' (Recommendation 32).

Recommendation 4.5: MCEETYA, in consultation with the proposed Rural School Communities Taskforce (Recommendation 4.4), should draw up a national rural education policy and plan incorporating the principles set out in this chapter and the five criteria defined in Chapter 3.

Funding real costs

Rural and remote schools require additional resources compensate for their locational disadvantages including remoteness, socio-economic indicators, fewer local services and resources, actual living costs and staffing difficulties. Yet isolation, distance and other locational disadvantages are inadequately compensated for in funding and staffing formulas. In some cases they are not taken into account at all.

Increasingly, the public sector has been characterised by the privatisation of government services, short term policy goals rather than long term strategies, reduced cross subsidisation

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of services in rural areas, and an increasing focus on rural communities meeting their own needs (Haslam McKenzie 1999, page 1).

Funding for education must reflect the true cost of rural and remote service delivery and be based on the real cost of adequate provision rather than merely on the number of children catered for. A smaller number of children means a smaller fee base, where applicable, less operational money and a higher service delivery cost per child. Funding formulas based on city schools disadvantage rural and remote students by failing to factor in the added costs of securing the same services.

The department people say, 'We're very fair; we give everyone their fair share.' That is, they cut the pie up and everyone gets their piece. My concept of fairness is that everyone gets what they need, not that everyone gets the same share of what is inadequate (Wayne Patterson, NSW Teachers' Federation, Sydney hearings).

Provision of the resources needed to ensure a quality education for all is a key commitment in the WA *Country Roads* plan. The government will 'appropriately resource education and training in rural and remote areas by taking into account the local environment and student and community needs and priorities' (strategy 7.1).

School classification

Finding: The classification of schools varies from State to State, leading to different funding and staffing formulas and to inequity in the distribution of resources. A national classification system is needed to ensure that schools, teachers, school administrators and students can be properly and equitably resourced. At this stage the *Griffith Service Access Frame* is the most equitable instrument for measuring the relative disadvantage of Australian schools. It is a model for developing education profiles in rural and remote areas. Using the smallest Australian Bureau of Statistics data collection unit (that of Collector District), the GSAF weighs a number of resource variables in order to calibrate the relative disadvantage of each community. They include (1) population size, as a well established indicator of the range of services available in any given centre, (2) time/cost/distance variables, indicating access to the nearest service centre, the time taken to get there, the condition of the roads and the average cost to travel there, and (3) the economic resources that are available to the population as determined by the ABS's Index of Economic Resources. These three elements are combined to determine the relative access disadvantage of each Collector District group.

The advantage of a measure such as the GSAF is that it can distinguish between small disadvantaged groups located within larger more advantaged populations. For example, in a remote mining community itinerant miners may be co-located with an Indigenous community. While both groups may be similarly geographically isolated, one has access to resources for travel and therefore to services while the other may not. The GSAF can distinguish between those who have the means to access resources and services and those who do not.

The GSAF has been applied in a number of Australian States and Territories covering 87% of Australian schools. It should be adopted nationally to enable national comparison of schools and equitable national distribution of supplementary funding such as the Country Areas Program.

Recommendation 4.6: DETYA, State and Territory education, health and children's services departments and other education providers should adopt and implement the *Griffith Service Access Frame* as the standard national instrument for classification and funding distribution in school education.

Country Areas Program

Finding: The Country Areas Program (known as the Priority Country Area Program in Queensland) is providing much needed additional funding for schools but without any equitable standard measurement system. Education providers currently administer the funds using quite different formulas with quite inconsistent and inequitable results. The inquiry endorses Recommendation 78 of *Time running out* that the Commonwealth should ensure that CAP funding is distributed in accordance with Commonwealth criteria.

Country Areas Program funds can sometimes be best utilised by pooling funds and sharing resources among schools. The inquiry has heard of instances where a non-government and a government school provide education to a small community. Where the funds from one school may not be sufficient to initiate a project such as purchasing a school bus, the pooling of CAP funds between two or more schools may be sufficient to provide bus transport to children of the region.

Recommendation 4.7a: The Commonwealth should continue and enhance the provision of Country Areas Program (CAP) funds to schools using the *Griffith Service Access Frame*.

Recommendation 4.7b: All education providers should adopt policies effectively designed to encourage schools to cooperate in the regional pooling of CAP funds.

Staffing

Finding: In most States and the Northern Territory staffing levels are set using per capita formulas primarily designed to meet the needs of metropolitan schools with little or no allowance for the different circumstances of rural and remote schools. In small schools these staffing levels can have a dramatic negative impact on curriculum offerings, special education support and language and literacy programs.

WA's new staffing formula for rural and remote schools was described to the inquiry.

The new staffing formula, introduced in 1998, provides additional teaching staff resources to schools in rural and remote areas. This is achieved through a Curriculum Access Factor for years 8 to 12 students who would otherwise have more limited access to a broad curriculum.

A Social Disadvantage Index is built into the formula. The index allows for differential staffing for students in lower socio-economic areas. This has impacted favourably upon students in predominantly Aboriginal schools, some of which gained an additional 25% staffing entitlement.

Many rural and remote schools had their staffing allocation 'rounded up' in order to attract a full time teacher (WA Education Department submission, page 6).

Recommendation 4.8: MCEETYA should develop national baseline formulas for school staffing and infrastructure with in-built measures for equity, using the *Griffith Service Access Frame*, that take account of geographic location, educational resource levels in the school and community, special education needs and language and literacy requirements.

Professional development

Finding: Rural and remote teachers and non-teaching support staff including special education integration aides confront particular disadvantages in accessing professional development. Professional development is rarely offered in rural and remote regions and therefore staff must travel long distances to attend. Yet schools are not equitably funded to cover the costs of travel and accommodation for staff to participate in professional development offerings. Small schools in rural and remote areas are less able to find temporary relief teachers or redeploy existing staff to replace absent staff.

Recommendation 4.9a: All education providers should provide targeted funds to rural and remote schools for professional development to reflect the real costs of travel, accommodation and teacher and other staff replacement.

Recommendation 4.9b: All education providers should fund rural and remote schools to pay for teacher replacement to accommodate staff professional development needs. Where teacher replacement is not available or cannot be arranged, schools should have local authority to make timetable adjustments, including adjustments to the school year, to accommodate these needs.

Dissemination of best practice models

Recognising and disseminating information about best practice models is increasingly appreciated as a way of resourcing rural and remote schools and communities. For example, *Time running out* recommends the establishment of a database of successful best practice telecommunications initiatives (Recommendation 18). Recommendation 51 proposes that the Commonwealth government showcase examples of successful development of community regional telecommunications networks to encourage development of community networks throughout regional Australia. The critical factors underpinning the success of each initiative must be identified. In similar vein the WA *Country Roads* rural education plan envisages giving publicity to successful partnerships and sharing best practice (strategy 2.3).

The MCEETYA taskforce on rural and remote education has been asked to 'develop a report through a range of local case studies in each participating State and Territory highlighting workable and potentially workable local collaborative strategies to improve employment, education, training and children's services in rural and remote Australia' (see www.curriculum.edu.au/mceetya/taskforc/task2220.htm).

Recommendation 4.10: The proposed Rural School Communities Taskforce (see Recommendation 4.4) should disseminate descriptive and evaluative information about best practice models of local partnership building.

Students of Ravenshoe High School meeting with the inquiry during Weipa's Croc Eisteddfod 1999.

School is lots of fun. There are lots of activities. It's not just sport. School is about education and education is power for me. And there are a lot of things that I need to know about the whole world. When I leave school I might go to a University in Darwin. I want to be a scientist. I will find a school in Darwin before I go to University. In future I hope to be a President of the Land Council (student meeting at Nguiu NT).

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5 The availability of school education

Governments must accept responsibility for facilitating adequate provision and maintenance of basic infrastructure. People in all sectors of regional Australia need equitable standards and access to essential services, including telecommunications, power and energy, water, transport, health and education. Creative ways of providing infrastructure that are widely accessible need to be explored, without imposing unreasonable costs on regional industries or communities (Regional Australia Summit 1999 Communique).

Education provision has four core elements: school facilities (a place to learn), staff (teachers and support staff), curriculum (subject matter) and students (learners). In this chapter we list our recommendations relating to the provision of school education in rural and remote Australia. They cover

- cross-sectoral collaborations
- provision of early childhood education
- provision of schools
- provision of teachers and support staff
- provision of distance education
- provision of curriculum.

Cross-sectoral collaborations

Ideological and historical barriers to the sharing of facilities and resources are inhibiting the capacity of rural and remote Australia to deliver a quality education to all children. Where these barriers can no longer be justified in the interests of children, they must be dismantled.

Time running out supports 'the sharing of school facilities in regional and remote communities' (Recommendation 75). WA's *Country Roads* rural education plan commits the government to negotiating and expanding resource-sharing arrangements (Strategy 2.2).

The MCEETYA taskforce on rural and remote education is seeking to 'improve local opportunities through identifying ways of making better use of existing

resources and programs through collaboration and lateral approaches and through the promulgation of those approaches'.

There are examples of creative collaboration between government and non-government (generally Catholic) schools in some country towns: shared facilities such as libraries, gymnasiums and laboratories (computer, languages and science); shared teachers in specialist subjects such as languages, music and drama; shared specialist support staff such as counsellors, speech therapists and careers officers. But these examples are very few. Much more frequently, smaller towns have two struggling schools, each under-resourced and each providing inadequate educational opportunities for its students.

Local and regional collaboration

Finding: Many rural and remote schools lack educational facilities and resources and offer limited curriculum options to their students. Failure to share facilities and specialist teachers between towns and across systems is wasteful of resources and promotes inequity.

> Recommendation 5.1: All education and training providers should develop policies and funding formulas which encourage local and regional sharing of facilities and resources between local schools, both government and non-government, and TAFE providers to increase the availability and accessibility of curriculum options and educational resources.

Provision of early childhood education

Early childhood education can include pre-school education, play centres, cultural centres, nurturing centres and 'language nests'. (Language nests reinforce the traditional languages of Indigenous children and expose them to standard English before they start school.) An extensive body of research points to the key role that early childhood education plays in preparing children for school and assisting in the development of their language, literacy and numeracy skills. Early childhood education reinforces a learning culture and prepares children aged 0 to 5 years for school. In short it is necessary to ensure the effectiveness of school education. It also facilitates the early assessment of special needs which, if left unaddressed, can severely inhibit learning.

In 1996 the Senate Employment, Education and Training References Committee reported on early childhood education (*Childhood Matters*). It recommended

generally that pre-school programs should be universally available, the 'Kidmobile' service should be extended in remote areas and greater flexibility in childcare licensing guidelines should be permitted to enable services to address the needs of small and remote communities (pages 65, 158 and 165). Recommendations relevant to Indigenous communities and still to be implemented in full include the need for greater community involvement, a holistic health and community approach to education, the continued supply of professional Indigenous educators and, where appropriate, the use of bilingual early childhood services (page 170).

Early childhood models

Finding: High quality early childhood educational experiences have a profound and positive effect on the social, emotional, intellectual, language, physical and creative development and well-being of the child. There is a lack of early childhood education for children in the 0 to 5 years age group in rural and remote Australia. With additional resourcing, existing mobile children's services resource units could provide isolated families with a greater range of integrated services including health, education, parent information and support as well as child-focused activities.

Early childhood education also requires the expertise of trained staff. In remote communities with many Indigenous children, local Indigenous community members are the most appropriate people to provide an early childhood education which reinforces culture and the child's first language while introducing standard English where necessary.

Recommendation 5.2: State and Territory education and children's services departments should take all necessary action to ensure that every pre-school-aged child has access to early childhood education. This may require, as appropriate,

- providing capital funds to build or refurbish early childhood facilities in communities where there are primary schools
- providing mobile and other support and resources for isolated children and their supervisors/tutors accessing pre-school education through distance education
- providing specific funds for the training of remote community members in early childhood development. This training should be available within the remote community with support from a regional training provider. The Macquarie University community-based early childhood teacher training program should be supported and franchised to other institutions.

Provision for children with special needs

Finding: There is a lack of early intervention programs for children with special needs in rural and remote areas, especially for children aged 0 to 5 years. Families of children under school age in isolated areas have little access to services that can expertly assess the special health and educational needs of their children and provide programs for them and their families prior to school commencement. Families must wait a long time or travel long distances to access this expertise. For many children with special needs the earlier they are assessed and an intervention program established, the better chance they have of making a successful transition to the education system.

The *UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, adopted by the UN General Assembly in 1993, specify that special attention should be given to very young children with disabilities and pre-school children with disabilities.

Recommendation 5.3: State and Territory governments should provide resources for mobile multi-disciplinary early intervention teams to make regular visits to communities at locations accessible to rural and remote families to assess the health and education needs of children in the 0 to 5 age group, develop necessary remedial programs and assist with referrals and access to specialist services as required.

Provision in Indigenous communities

Finding: There is a shortage of trained early childhood development workers in remote Indigenous communities. The provision of pre-school education to all Indigenous children is one of the goals of the National Aboriginal and Torres Strait Islander Education Policy (Goal 7; also Goals 10 and 13). It is also a Key Element in the *National Indigenous English Literacy and Numeracy Strategy* (2000, pages 26-27). The only tertiary level course offering community-based early childhood training is offered by Macquarie University in NSW. This course is in danger of being withdrawn due to lack of funding.

Recommendation 5.4: The Commonwealth should encourage and fund early childhood training institutions to develop and implement community-based training in rural and remote communities using a combination of distance education and face-to-face tuition. Ideally a proven program will be franchised to other institutions for implementation in specified regions.

Provision of schools

... the local school means more to a small community than simply a place to educate children. It is a meeting place and central focus for the energy of the community. When a school closes, quite often the rest of the town dies with it (Haslam McKenzie 1999, page 59)

School education can be provided in face-to-face or distance modes. Where distance modes are unacceptable and/or fail to meet the child's right to education for another reason (for example, language of instruction, lack of home supervision, subject cannot be taught in distance mode) face-to-face teaching must be provided.

The inquiry strongly supports the role of rural schools as the major means of providing access to primary and secondary schooling in Australia. Boarding schools play an important and valuable role. However, they are not acceptable or affordable for all families, they undermine the child's enjoyment of family life and can deprive him or her of parental guidance at critical times.

Homeland Centre children

Finding: A number of Indigenous children living in Homeland Centres have no access to primary or secondary education. In the NT this affects those communities with fewer than 12 children between the ages of 5 and 15. *Katu Kalpa* recognises the inadequate secondary access in remote communities (Recommendation 10). It has been estimated that half of all Indigenous secondary-aged students in the Territory are in 'non-graded' programs taught at Community Education Centres by primary trained teachers (Donna Ah Chee, *Unicorn* 1999, page 18). This failure of provision is a direct challenge to Goal 8 of the National Aboriginal and Torres Strait Islander Education Policy which is 'to ensure that all Aboriginal children have local access to primary and secondary schooling'.

Distance education is ineffective in Homeland Centres where no-one has ever completed high school. These communities cannot be expected to provide the experienced support and supervision students need to succeed in distance education. Further, few Indigenous families are willing to board their children in an urban centre. Many Homeland and other Indigenous children who do try boarding are overwhelmed by homesickness and soon withdraw from school altogether.

- The lack of secondary provision in the NT was addressed in Learning lessons.
- The inquiry strongly endorses the recommendation that the NT Education Department should develop policy recommendations, within six months, on secondary programs which provide for

- options for providing secondary programs to all Indigenous secondary-age students, with secondary trained teachers supported by ESL specialists
- conversion of community education centres to area school secondary providers, i.e. able to implement board approved special category and mainstream secondary curriculum, which are staffed accordingly
- the assessment of large rural schools that fall outside of the CEC category for their potential conversion to area school status
- a reassessment of remote area secondary school staff formula determinations
- expansion of the hostel arrangements currently operating successfully in Tennant Creek and Katherine
- an exploration of the options for providing high-quality state-of-the-art IT&T support for distance learning
- an identification of overall resource requirements (Recommendation 88).

Learning lessons further recommended that within 12 months the Department should 'have a clear policy on increasing secondary options to the end of the compulsory years for all Indigenous students, urban and remote' (Recommendation 89).

Homeland tutors for distance education students need special training. Ngaanyatjara College in the Pitjantjatjara Lands in northern South Australia provides an educational model for Homeland Centre communities. The college has a central residential site where students come together for classroom tuition at certain times during the year and satellite Homeland Centre campuses where they can continue their studies at other times. This model allows for continuity in community life and participation of Homeland students. It was mentioned favourably to the inquiry by the Nambara Schools Council of the Yirrkala Homelands in East Arnhem Land. The Tanami Network based at Yuendumu in Central Australia is also developing a video conferencing system that is providing new opportunities for community-based education and training.

Recommendation 5.5: State and Territory education departments in jurisdictions where Indigenous communities have been established on Homeland Centres should ensure that school aged children living in those centres have effective access to education while living at home. Strategies to be vigorously explored in consultation with the proposed National Indigenous Education Advisory Council (Recommendation 8.2) include

- culturally-appropriate training for community members to qualify as home or community supervisors/tutors supported by visiting teachers

- provision of relevant and culturally appropriate educational resources including, where necessary and in consultation with the community, physical infrastructure
- establishment or expansion of school term hostels in larger communities servicing Homeland Centres
- development of multi-mode curriculum delivery models utilising Internet, video and paper presentations coupled with tutorial and visiting teacher support and periods of in-residence study at the more centrally located educational institution.

Senior secondary

Finding: There is a lack of secondary education to Year 12 in many rural and remote communities. School retention rates for students in rural and remote areas are significantly lower, on average, than for their urban counterparts.

A concerted effort involving school authorities and the Commonwealth (working cooperatively and not cost-shifting) is necessary to set up a virtuous circle of high quality, accessible secondary schooling keeping Indigenous and non-Indigenous students at school in, or close to, their local communities (Australian Council of Deans of Education submission, page 7).

Recommendation 5.6: MCEETYA should undertake a national audit of secondary education provision and draw up a national plan of action to ensure effective access to secondary education to Year 12 level for all students in all States and Territories, including by the provision of local senior secondary schools. The measurement of need for senior secondary provision in rural and remote areas should take into account

- the right of every child to education without discrimination of any kind
- the obligation to remedy educational disadvantages revealed by differential retention rates and outcomes
- the inadequacies of distance education modes for some students and, in particular, for students with special needs and for Indigenous students.

Provision of teachers and support staff

The quality of education is dependent upon the quality of the teachers and support staff employed to provide it. Our recommendations aim to enhance the desirability of country postings and to maximise the utilisation of potential teaching talent already resident in rural or remote areas. These recommendations

mirror to a large extent the WA *Country Roads* rural education plan strategies in response to Priority 3, 'to ensure that rural and remote communities have access to and are able to retain quality education and training professionals'. *Katu Kalpa* Recommendations 18 and 20 are also relevant.

Country incentives

Finding: Staffing schools with experienced educators continues to be a challenge in rural and remote regions. Many rural schools carry the burden of training new teacher recruits only to find that they leave after three years to take up a preferential transfer. In remote schools retention periods are often much shorter. Rural and remote school postings can exact substantial personal, professional and financial costs.

WA's 'Remote Teaching Service Package' of incentives for government teachers was detailed to the inquiry.

This is designed to address the unique staffing and learning needs of remote community schools to improve student outcomes. The Remote Teaching Service offers benefits to teachers in extremely isolated schools, such as free government housing, remote teaching and locality allowances of up to $15 500 per annum in addition to salary, permanency and additional leave of 10 weeks after three years service and 22 weeks after four years service. The RTS was introduced in 1996 and has reduced the turnover of staff from 70% in 1995 to around 30% in 1998 (WA Education Department submission, page 8).

All State and Territory education departments except Victoria provide financial and other incentives to attract teachers to remote schools. However, these incentives rarely even meet the additional costs of living. Non-government education providers rarely offer rural and remote area incentives. One major disincentive is poor quality or inadequate housing. Teachers recruited to rural and remote schools will rarely stay beyond the minimum period for preferential transfer, partly because of the poor standard of housing. Other major disincentives are isolation from family and friends and the inaccessibility of professional development opportunities.

Recommendation 5.7: All education providers should offer allowances and incentives to school professional staff based on the *Griffith Service Access Frame* (GSAF) to redress financial and personal disadvantage, reflect the additional costs of living and attract and retain experienced professional staff for an optimum period of 5 years. Rural and remote packages for professional education workers should be capable of being individually tailored and could include

- subsidies to compensate for the additional costs of living and working in the community as calculated by reference to the GSAF
- monetary incentives linked to the school's GSAF classification to commence after 3 years of service and to be capped after 5 years of service
- points for preferential transfer accruing after 3 years of service with additional points accruing after 4 and 5 years
- further additional points towards preferential transfer for experienced recruits to rural and remote schools - those with at least 3 years' experience elsewhere
- provision of suitable housing (with an option not to share) and/or rental subsidies linked to the school's GSAF classification
- additional annual leave for travel linked to the school's GSAF classification
- subsidised travel of one return trip a year to a destination anywhere in Australia
- additional days of guaranteed leave for professional development
- reduced HECS fees for tertiary study

Recommendation 5.8: All education providers, in cooperation with relevant housing authorities, should ensure the availability of air-conditioned, safe and affordable housing stock to teachers and other education workers in remote communities.

Staff preparation

Finding: Most teacher training does not adequately equip new recruits with the skills and knowledge needed for teaching in rural and remote Australia. There is commonly a lack of local knowledge among the teaching staff. In addition, teacher training fails to prepare new graduates adequately for inclusive teaching of children with special needs and culturally appropriate teaching of Indigenous children.

WA, among other jurisdictions, resources country practicums.

This is a combined community, business and tertiary initiative to give prospective teachers an opportunity to sample country teaching. During 1999, 27 pre-service teacher graduates are undertaking their major practicum in rural schools in the Goldfields and Pilbara Districts. This assists in developing knowledge and skills relevant in country locations and aims to encourage trainee teachers to choose to teach in country schools (WA Education Department submission, page 10).

We agree with the assessment in *Katu Kalpa* that:

Indigenous culture, English as a second language, and basic training in identifying pediatric illnesses which will affect students' ability to learn, should be included in all teacher training curriculums (paragraph 8.8(3)).

In the context of Indigenous education *Katu Kalpa* recommends attention to training teachers in the 'theory and practice relating to the teaching of Indigenous children, including ESL' (Recommendation 21). Teachers taking up positions in schools with significant Indigenous enrolments require effective induction (Recommendation 22). The inquiry endorses both recommendations. We also endorse the objective of the National Indigenous English Literacy and Numeracy Strategy to facilitate 'increased adoption of Indigenous Studies as a core subject in university teacher degree programs' (2008, page 29).

Recommendation 5.9a: All teacher training institutions should require undergraduates to study a module on teaching in rural and remote communities, offer all students an option to undertake a fully-funded practical placement (teaching experience) in a rural or remote school and assist rural and remote communities in the direct recruitment of new graduates for their schools.

Recommendation 5.9b: The Commonwealth should ensure adequate funding to all institutions to enable them to offer practical rural and remote teaching experience placements.

Recommendation 5.9c: All teacher training institutions should require undergraduates to study a module on the rights and needs of students with special needs, including standardised, formal and informal assessment, curriculum design, instruction and classroom management strategies for teaching students with diverse educational needs with minimal extra support.

Recommendation 5.9d: All teacher training institutions should require under-graduates to study a module on cross-cultural teaching with a particular emphasis on teaching Indigenous students and teaching in Indigenous communities. More advanced Indigenous education subjects should also be available as electives (see Recommendation 8.4).

Recommendation 5.10: All education providers should develop rural and remote school recruitment strategies at teacher training institutions and provide information, resources and support for rural and remote recruits prior to the commencement of the position. These programs should be developed and implemented in consultation with local school community partnerships (see Recommendation 4.4).

Professional development

Finding: Access to professional development can be difficult for rural and remote teachers and para-professionals requiring travel and overnight accommodation (see also Recommendation 4.9). This can affect the running of the school, disrupting classes and the school program. In many small communities there are no replacement teachers and insufficient staff to cover all classes.

Recommendation 5.11: All education providers should develop, fund, coordinate and, as necessary, provide outreach professional development services which are responsive to the full range of rural and remote professional and para-professional staff needs through distance education modes and by providing professional development in regional centres.

Indigenous staff

Finding: Improved education attainment of Indigenous students in rural and remote schools will not occur without increased Indigenous participation in schools as teachers, education workers, administrators and other student support workers. There are insufficient trained Indigenous teachers and education workers. Some potential trainees are unable to access teacher training because there are no local courses and they are not realistically able to relocate for family, cultural, cost or other reasons.

Training in the community by distance mode, with short residential on-campus programs, is the preferred option for many rural and remote trainees. It is cost-effective and avoids family and community disruption. Other benefits include a commitment to working in the local community on the part of the trainee which means enhanced stability of staffing in rural and remote schools and the opportunity for local children to be taught by community members. Community-based training is in place in the NT and some States, but not all. Funding for these programs is increasingly difficult to sustain, especially funding for periods of intensive on-campus tuition.

A number of remote-delivery or community-based teacher and assistant teacher training programs are available for Indigenous people. They include the Remote Area Teacher Education Program (RATEP) which was devised by James Cook University in Townsville and is also implemented under a Memorandum of Agreement by Notre Dame University in Broome and the program offered by the Batchelor Institute south of Darwin. These involve the trainee working through modules in distance mode, usually while working in a teaching-support position in his or her home community, supplemented by regular intensive tuition while in residence at the training institution and, where funding permits, visits to the community by lecturers or tutors.

Katu Kalpa proposes 'a pilot project in an appropriate university for the purpose of delivering teacher education programs via satellite or microwave Internet technology to Indigenous trainee teachers in remote communities' (Recommendation 17; see also Recommendation 13). *Katu Kalpa* recognises the significant role of Abstudy in enabling Indigenous people to train for the teaching and other professions and recommends that MCEETYA maintain a watching brief on recent changes to Abstudy (Recommendation 25). The inquiry supports these recommendations.

Recommendation 5.12a: All States and Territories should implement remote community based teacher and assistant teacher training programs delivered by distance education mode with regular short residential on-campus programs. Ideally a proven program will be franchised to other institutions for implementation in specified regions.

Recommendation 5.12b: The Commonwealth should ensure funding sufficient for periodic travel by lecturers to community sites and by trainees to the training institution for intensive tuition.

Recommendation 5.12c: All education providers should introduce incentives to encourage and enable Aboriginal and Islander Education Workers to participate in professional development and to obtain teaching qualifications.

Recommendation 5.12d: Indigenous teachers should be entitled to be posted to their home community on request subject,to the availability of a vacancy and should be entitled to priority posting to their home community in the event of a vacancy becoming available.

Aboriginal and Islander Education Workers

Finding: There are still too few AIEWs, their duties are very diverse, they have limited access to professional development and qualification enhancement opportunities, they are often employed as casual or temporary staff rather than as permanent staff, they have no defined career path and they are poorly recognised and poorly rewarded. The *National Indigenous English Literacy and Numeracy Strategy* aims to 'promote the strong educational roles that well-trained, effective Indigenous education workers can play' (2000, page 19). *Katu Kalpa* recommends the adoption of 'an appropriate career and salary structure for AIEWs' which is consistent throughout Australia and that 'AIEWs be given incentives to gain full teaching qualifications' (Recommendation 19).

The WA Catholic Education Commission offers scholarships to AIEWs employed in Catholic schools to enable them to undertake teacher training full-time on full pay. This is an excellent incentive model.

Recommendation 5.13: All education providers should recognise Aboriginal and Islander Education Workers as essential to the effective education of Indigenous students. Their numbers should be substantially increased in all school systems and their terms and conditions of employment should be improved to reflect their significance, expertise and experience.

Provision of distance education

Distance education is an acceptable alternative education delivery mode subject to certain criteria. These include

- suitability and quality of the delivery mode - radio, telephone, Internet, paper - for both the subject and the particular student's learning style and needs
- adequacy of teacher support from the distance education site to both the home supervisor/tutor and the student
- capacity of the home supervisor/tutor to support the student's learning
- opportunities for the student to participate with peers in regular lessons, competition, group exercises and socialising
- opportunities for work experience when relevant to a subject
- opportunities for the student to engage with a diverse range of cultural, social, sporting and other educational experiences and events.

Generally distance education in Australia is of a high quality with good outcomes for many isolated students. The failings are in the lack of training and support for home supervisors/tutors, isolation from a diverse range of shared experiences and the financial burden on families to equip the home schoolroom for contemporary distance education delivery modes (see Recommendation 7.6). Distance education is not suitable for all students and cannot be relied on to ensure effective educational access for every isolated student.

Support for home tutors

Finding: Home supervisors/tutors are not remunerated for the time and the cost of home schooling. Home supervisors often feel ill-equipped and under-resourced to support their children in education, especially as children advance towards and then through secondary schooling. Home supervisors of children with special needs miss out on the support services and resources available to teachers in a school environment.

Recommendation 5.14: In recognition of the vital role played by the home supervisor/tutor, each education department should ensure that they are funded to access professional development once a year. Ideally this professional development would be offered in conjunction with residential weeks provided for children learning by distance.

Recommendation 5.15: Each education department, in co-operation with health and children's services departments and local government authorities, should fund educational support, including special needs support, for all families with children receiving distance education at home. Mobile children's resources units offer one means of providing this support.

Provision of curriculum

In the interests of equity, education curricula should be

- responsive to the needs of the child and his or her age group
- culturally appropriate
- outcomes-based so that comparative data can ensure the adequate resourcing of schools and students who may need intensive compensatory education.

Schools must emphasise the foundational skills of literacy and numeracy and build upon them incrementally at a pace that suits the learning needs of the child.

Increasing options and choice

Finding: Student demand and staff expertise necessarily impact on curriculum offerings in every school. In this respect rural and remote students are especially disadvantaged by small student numbers and the difficulties of attracting specialist teachers. There are limited curriculum options in many small rural and remote schools. Some students are unable to pursue their particular interests or talents because of scarce resources at the school level. Distance education admirably supplements school-based offerings (see also Recommendation 6.7) but some students cannot study effectively by distance and some subjects cannot be taught effectively in this mode. Alternative means of maximising choice should also be explored and facilitated.

Recommendation 5.16: All education providers should increase subject choice wherever possible by developing inter-school and TAFE collaboration. Schools from the government and non-government sectors, together with local TAFE providers, should form regional clusters wherever necessary or desirable to provide maximum subject choice including specialty areas such as music, art, drama and Languages Other Than English (see also Recommendation 5.1)

Literacy and numeracy

Finding: English literacy and numeracy rates are lower on average in rural and remote schools than in metropolitan schools. These core skills are essential to the student's successful learning and future opportunities.

Recommendation 5.17: All education providers should ensure the prompt provision of intensive and remedial English language/literacy and numeracy resources to all school students when required.

'Flood packs'

Finding: A student is eligible for the Commonwealth's Assistance for Isolated Children if cut off from school by weather or other circumstances for at least 20 days of the school year thus enabling him or her to attend boarding school throughout the year. Students - especially senior students - can be severely disadvantaged when cut off for shorter periods or when the boarding school option has been rejected, yet often no provision is made to subsidise and support their learning at home.

Recommendation 5.18a: All education providers should provide targeted funds to schools for the provision of 'flood packs' for primary and secondary students in schools affected by floods or adverse weather and road conditions. These 'flood packs' should contain learning materials similar to those distributed through distance education.

Recommendation 5.18b: All education providers should further subsidise local schools to establish and maintain effective telephone links with students temporarily isolated for any reason.

Extra-curricular learning opportunities

Finding: Children in rural and remote communities are far less likely than urban children to have access to a diverse range of cultural, social, sporting and other experiences and events outside their own family and community. The cost of travel to access these activities precludes some children.

Recommendation 5.19: The Commonwealth should maintain and, where possible, extend Country Areas Program funding and encourage regional pooling of CAP funds across all sectors to extend the learning opportunities, including work experience, for rural and remote students. Every student in a rural or remote schools should be guaranteed one excursion each year, at no cost to his or her family, to enable participation in sporting, cultural activities and/or on-site study of topics covered by the curriculum.

6 The accessibility of school education

In this chapter we set out our recommendations relating to the accessibility of school education in rural and remote Australia. They cover

- school transport
- school term hostels
- information technologies
- student health
- students with special needs
- language.

School transport

The provision of transport from home to school is clearly essential for many country children. Many must cover long distances daily to attend the nearest school or the school of choice. Parents able to drive may incur significant costs including the costs of fuel and vehicle wear and the cost of time lost to the farm or other small business. Safety and the reasonableness of student travel times are key concerns in these recommendations. Access is another. Students who do not attend government schools may have no guaranteed access to school buses. The inquiry was told that non-government school, TAFE and pre-school students may be denied a seat if government school students fill the bus provided.

Safety and access

Finding: Problems with the quality and the quantity of subsidised school road transport include

- no seatbelts
- overcrowding on bench seats
- no air-conditioning in regions of Australia routinely affected by extreme temperatures and dusty conditions
- dangerous road conditions including unsealed roads
- excessive travel times for some students
- lack of supervision

- no school bus routes in some areas
- no assured school bus access for children in pre-schools, non-government schools and/or TAFE colleges
- private transport companies with no commitment to school transport as the only operators in some regions
- inaccessible buses for students with disabilities affecting their mobility, including buses on daily school routes and buses used for excursions.

Recommendation 6.1: Each education department should conduct or commission an audit of all school transport provision with attention to issues of safety and access and evaluate that provision by reference to the right of children to safe and ready access to education. Measures taken to enhance access, safety and convenience may need to include

- introduction of new transport services
- re-routing of existing services
- fitting of seat belts
- better temperature control to heat or cool buses as necessary
- licensing of vans and minibuses to provide school transport services to small groups of children in remote areas
- modifications to ensure accessibility for all.

Recommendation 6.2: Transport for all students under 18 should be the responsibility of one State or Territory government department and managed under policy guidelines to ensure that pre-school children, non-government school students and TAFE students under the age of 18 have guaranteed access to government subsidised school road transport where it exists.

Roads

Finding: Some students are temporarily denied access to education when weather makes local roads impassable. The poor standard of many rural roads presents a daily hazard to some students and significantly increases travel times.

Recommendation 6.3: Each State and Territory government should develop a system whereby the condition of school access routes can be reported to a central register and upgraded as a priority.

School term hostels

For some students the distance between home and school is too great for daily commuting. School term hostels are a cheaper alternative to boarding schools which permit the student to stay closer to home, often returning home on the weekends while attending a government or independent school in a regional town or city. Indigenous communities consider hostels a more appropriate option for their children than boarding schools. Hostels are another means of enhancing access to education.

Government provided hostels are needed in rural centres to accommodate secondary students during the weekdays so that they can return home on weekends. This strategy would have several benefits - social contact with other students, greater curriculum breadth and choice provided by the bigger school population as well as greater direct support from teachers working with students (Queensland Teachers' Union submission, page 1).

WA's *Country Roads* rural education plan makes a commitment to the expansion of a range of hostels, residential colleges and other boarding facilities (strategy 1.3).

Provision and quality of hostels

Finding: Many students are unable to complete their education due to the prohibitive cost of relocation. A number of small hostels are being forced to close due to lack of funds. These hostels provide an educational lifeline for students who would otherwise have no educational options. Many communities seek the provision of a regional hostel so that they can visit their children or their children can return home on the weekends.

Recommendation 6.4a: Each education department should review the availability and quality of regional school term hostels. Where necessary and following local consultation, school term hostels should be established in conjunction with secondary schools in rural and remote areas.

Recommendation 6.4b: To ensure the acceptability of hostels to students and parents

- the Ministerial Education Advisory Council in each State and Territory should establish guidelines for the management and operation of hostels
- accredited training should be provided for hostel staff
- hostels which serve Aboriginal or Torres Strait Islander students should be staffed by appropriate Indigenous people.

- day-to-day management of each hostel should be overseen by a local management advisory committee constituted by staff, students and parents from the school or schools served by that hostel.

Information technologies

Information technologies have the capacity to bridge the barriers of distance. Improving telecommunications and the Internet offer particular opportunities for teaching and learning in remote and isolated areas, virtual peer groups, shared learning, delivery of specialist subjects to a scattered cohort of students and rural and remote teacher professional development.

Governments, industries and communities must ensure affordable, reliable access to telecommunications. Professional advice must be available to maximise the community and economic opportunities provided by rapidly emerging developments in information technology (Regional Australia Summit 1999 Communique).

Information technologies and telecommunications were a particular focus of *Time running out*. The Committee recommended that the Universal Service Obligation should be extended to include Internet access for all regional Australians (Recommendation 28), that delivery of telecommunications services should be prioritised so that areas already unserved are not further disadvantaged (Recommendation 24), that Networking the Nation funding should target innovative regionally based projects that will expand Internet access regionally (Recommendation 34), that more funding should be made available through the Telstra Social Bonus to provide more opportunities for education and training in information technology for regional Australia so that regional Australians can shape their own future (Recommendation 47). The inquiry endorses each of these recommendations. The Committee also recommended that pricing, technical standards and levels of support for telecommunications services should be independent of distance (Recommendation 20). We also support this recommendation to the extent that it requires consistent minimum standards irrespective of distance.

The report of the National Bandwidth Inquiry, released in April 2000, also considered the information technology and telecommunications needs of rural and remote Australians. It recognised that some rural and remote areas lack sufficient bandwidth capacity and identified the provision of affordable, quality and timely access to bandwidth for Australians living in regional, rural and remote areas as one of

the 'bandwidth challenges' that must be addressed by 2005. Relevant recommendations include development of further on-line strategies in key areas of government service delivery including education, with particular attention to non-metropolitan areas (Recommendation 19), and the development of regulations imposing minimum service standards based on utility to the consumer rather than technical network capabilities (Recommendation 21). We support both of these recommendations in so far as they enhance access to and quality of education for rural and remote students.

Rural and remote Australians should be guaranteed an adequate level of affordable ISDN and satellite services. This guarantee should be embodied in the Universal Service Obligation (USO). The guarantee should apply to Telstra in its current role as the national provider of the USO and to other carriers that may have a role under revised arrangements. With respect to Telstra, the level of service should also reflect the commitments in the Telstra submission to this inquiry, including commitments to invest in new technologies that become available as computer and telecommunications technologies converge and in specific education initiatives to support rural and remote school students.

Universal Service Obligation

Finding: Internet access in many rural and remote areas remains very costly and unreliable. There is no access in some areas. Others cannot access Internet Service Providers at local call rates. There are inequities in cost and reliability generally. Internet users in Sydney can have unlimited access for as little as $7 a week. In many rural areas the cost is $7 an hour.

Recommendation 6.5: The Commonwealth should extend the Universal Service Obligation (USO) so that it covers Internet and the full range of telecommunications services necessary to meet the educational needs of rural and remote school students. The Customer Service Guarantee should be amended as necessary to reflect the revised USO. The USO should be extended to cover not only Telstra but any other carrier that may acquire rural services under revised arrangements.

Satellite

Finding: In some of the more remote areas households are unable to access basic ISDN services. This can seriously disadvantage students undertaking distance education at home. It can also disadvantage students who have access to ISDN in

their school but not in their home environment. For these households, satellite services are a possible alternative. Telstra provides a high quality service with excellent back-up support. Telstra recently announced major price reductions in satellite installation. In addition, Telstra customers who are unable to access a standard ISDN service are eligible for a 50% government rebate off the purchase and installation of satellite equipment, capped at $765. Notwithstanding this, the cost of installation for some remote households may still be significant.

Recommendation 6.6: The Commonwealth should increase the rebate for installation of satellite services for remote households unable to access the basic ISDN service and in which at least one member is engaged in primary or secondary school education. The rebate should cover at least that part of the installation cost that is not currently subsidised.

Videoconferencing and other interactive technologies

Finding: Videoconferencing and other interactive technologies offer great potential for increasing the accessibility, quality and level of choice for rural and remote students. They can also play a valuable role in training and development for teachers and other professionals in the school system. Some very worthwhile initiatives have been developed in this area but there remains considerable scope for greater utilisation of these technologies for the benefit of rural and remote students.

Recommendation 6.7: Each education provider should review the availability and quality of videoconferencing and other interactive technologies for rural and remote students and staff with a view to providing additional funding and other support for curriculum and professional development initiatives which build in these technologies.

IT in public libraries

Finding: Public libraries in rural areas are not universally equipped with the IT resources necessary to support the education, training and professional development needs of local people. Public libraries co-located with schools and sharing computer and Internet facilities would be an efficient and effective way of providing general public and student access in many towns and communities. This is common in South Australia but not elsewhere.

Recommendation 6.8a: The Commonwealth should commission the Australian Local Government Association to undertake a national review of public library needs in rural and remote communities with particular reference to their IT requirements and the potential for, and the advantages of, housing public libraries in local schools as joint-use community libraries.

Recommendation 6.8b: State and Territory local government departments should provide additional funding for initiatives to support the IT requirements of public libraries in rural and remote communities and/or for the establishment of school-based joint-use libraries in rural and remote communities.

Hardware maintenance and repair

Finding: A common problem is the lack of local businesses to provide advice, service and repair of IT equipment. Even in a larger centre like Mt Isa the scarcity of local businesses specialising in this area was noted. Either the equipment must be sent away for repairs or there is a lengthy wait for a visiting technician. Lengthy down times result.

Recommendation 6.9: All education providers should fund specialist IT support officers based in regional education offices to service rural and remote schools to provide IT support including repairs and maintenance, advice and training.

Student health

Student ill-health is a major barrier to education access. It affects all students regardless of geographical location. However, in rural and remote areas the medical and allied health services needed to promote health, prevent ill-health and treat illness are increasingly difficult and costly to access. Written and oral submissions to the inquiry raised this concern in relation to virtually every remote community and many rural towns.

Time running out identified the need for incentives to attract dentists, visiting medical specialists and allied health professionals to regional areas (Recommendation 86) and the need to review patient assistance travel schemes (Recommendation 87).

Katu Kalpa deals at some length with the link between poverty, ill-health and low education attendance and outcomes in many Indigenous communities (Chapter 8). One particular focus is on otitis media - 'the silent barrier to learning' (paragraphs 8.13-8.52). We adopt the description and analysis provided by the Committee in those paragraphs.

The *National Indigenous English Literacy and Numeracy Strategy*, announced in March, recognises the need for comprehensive and collaborative health strategies 'to address the health needs of students so that health problems do not impede learning' (2000, page 22).

Health services

Finding: There is a severe lack of health services, disability support services and educational therapy services, in particular speech therapists, occupational therapists and child psychologists, in rural and remote areas. This impedes the education of students with special needs who must travel long distances to access essential services and imposes an additional financial burden on isolated families.

Recommendation 6.10: Commonwealth, State and Territory health departments should develop and implement programs to increase the numbers and accessibility of health and disability support services, especially speech therapists and child psychologists, in rural and remote communities. These measures should include:

- programs of incentives to attract and retain general practitioners, dentists, speech therapists, occupational therapists, psychologists, psychiatrists, counsellors and physiotherapists to rural and remote areas where access is severely restricted or non-existent
- establishing protocols for schools and education providers to obtain health department assistance to meet urgent needs for particular health related expertise in the area
- either arranging transport or providing transport subsidies to enable families of children with special needs to access the nearest available health or therapy service in the absence of local expertise
- ensuring that the various isolated patient travel and accommodation assistance schemes can meet the costs of travel between jurisdictions when families live near a border and the medical treatment can be provided more conveniently interstate.

School counsellors

Finding: Children with mental health or behavioural problems in rural and remote schools have inadequate access to school counsellors. Some remote areas may be able to access visiting counsellors occasionally but these visits are often random and involve long waits. This is inappropriate for the child and can be detrimental to the functioning of the classroom.

Recommendation 6.11: All education providers should ensure that all rural and remote school students have access to a school counsellor on a frequent and regular basis and for a reasonable period of time as determined in consultation with school councils. This access could be provided through

- incentive programs to attract mental health specialists to the region, fully subsidised to provide their services free of charge to school students
- direct funding of counsellors in all schools
- provision of visiting counsellors based on a small clustering system which should guarantee a regular visit to each school, with in-built flexibility for extra visits in exceptional circumstances and realistic travel allowances.

Otitis media

Finding: A very high proportion of Indigenous students suffers from otitis media or middle ear infection from time to time. The inquiry was told that, in some remote communities, otitis media (middle ear infection) could affect more than 90% of students in one school at any time. Resulting hearing loss directly impairs these students' access to education. Schools lack appropriately modified classrooms and equipment, teacher awareness and school programs and access to health services. Poor environmental health in these communities is a persistent problem.

We note the Commonwealth's proposal to ensure regular hearing assessments in a number of pilot communities in 2000-2004 (*National Indigenous English Literacy and Numeracy Strategy* 2000, pages 24-25).

Recommendation 6.12: The Commonwealth Departments of Education, Training and Youth Affairs (DETYA) and Health and Aged Care, in cooperation with State and Territory health, children's services and education departments, should fund all early childhood services, pre-schools and schools serving a significant percentage of children with otitis media to provide

- regular ear and nose diagnostic and prevention programs such as 'cough, spit, blow' from first enrolment throughout schooling
- modifications to classrooms and other facilities including carpeting, soundproofing and provision of microphones
- teacher training on otitis media, its prevention and range of treatments
- very significantly improved access to health services including provision of hearing aids to children with mild to moderate hearing loss.

Students with special needs

In this report we use the term 'special needs' when referring in general to students with special learning needs requiring special and additional learning support. The term 'students with disabilities' is used in the context of the *Disability Discrimination Act 1992* (Cth) or when referring to the established criteria for funding educational support for students with disabilities. 'Special needs' is an all-inclusive term which applies to students with behavioural and learning difficulties not always covered by the term 'disabilities' as well as to students with recognised disabilities.

All children with special needs have a right to access school education. International statements on special needs education recognise educating children with special needs in inclusive settings as the preferred option. Yet for many children with special needs, mainstream schools remain inaccessible in Australia.

National inclusion commitment

Finding: Many barriers to the inclusion of children with special needs in mainstream schools remain. Parents identified a lack of commitment to inclusive education by some principals, teachers and other parents. The non-acceptance of children into mainstream schools has serious consequences for children in rural and remote areas, especially because there are many fewer neighbourhood schooling options.

The *UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities* (1993) recognise the principle of equal educational opportunities for persons with disabilities in integrated settings. The 'Salamanca Statement' and Framework for Action on Special Needs Education, adopted at the World Conference on Special Needs Education in June 1994, draw extensively on these Standard Rules. The Salamanca Statement concludes that students with special educational needs must have access to mainstream schools which should accommodate them within a child-centred pedagogy capable of meeting their needs.

Mainstream schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all. Moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

Recommendation 6.13: MCEETYA should sponsor and monitor a national commitment to inclusive education by all governments that reaches all education providers, principals and teachers. The Adelaide Declaration on *National Goals for Schooling in the Twenty-first Century* should be revised to include a commitment to inclusive education to the fullest extent possible for all children with special needs based on the principles of the Salamanca Statement.

Special education resources

Finding: Most students with special needs should be accommodated in mainstream schools or early childhood centres. However, for this education to be adequate and appropriate, schools and centres require significant special education resources. Teachers cannot provide adequately for all children with special needs without special education assistance. Without support, inclusion can fail. Alternatives are limited in rural areas and non-existent in remote areas.

There is inadequate provision of integration aides and inclusion support assistants, special education teachers and therapy support services for children with special needs at all levels in rural and remote schools. In small rural schools there is limited opportunity to pool per capita funding to provide a better service.

Recommendation 6.14: All education providers should fund educational and therapy support services in rural and remote schools and early childhood centres according to the individual needs of students.

Finding: Commonwealth, State and Territory special education resources are calculated on a per capita formula based on various categories of disability or special needs. A school is funded to provide a range of support for a student who falls within one of these categories. This support may include integration aides, special support classes and itinerant support teachers. However, some students with special needs do not qualify for support based on these categories. In particular, students with learning disorders or behavioural problems, for example dyslexia or Attention Deficit Disorder, may not be eligible for special support despite their obvious special needs. This is one situation in which a child-focused approach (see Recommendation 4.1) must replace rigid and inequitable criteria.

Recommendation 6.15: All education providers should review the adequacy of provision of special education support for all students with learning and behavioural disorders and revise funding guidelines to ensure that students with recognised special needs are not disadvantaged because of inflexible formulas and criteria.

Physical access

Finding: Some schools in rural and remote areas have inaccessible facilities including toilets, science laboratories and classrooms on upper floors. Modifications such as ramps and lifts can be expensive and delays in approving and completing modifications can restrict or deny a student's access to core educational activities for an extended period of time. Failure to modify an inaccessible building may force a student to leave home to continue his or her education.

Recommendation 6.16: All education providers should build into funding mechanisms for capital works a priority for capital works facilitating mobility access, with a special priority for remote area schools based on the added time for construction work to be contracted and completed and limited alternatives for schooling. Education providers should ensure effective planning at the local school level so that school modifications occur prior to the student's commencement date wherever possible.

Disability Discrimination Act

Finding: There is a lack of awareness in schools and the community of the requirements of the *Disability Discrimination Act 1992* (Cth). Parents also lack information about the rights of students under the DDA and relevant State or Territory anti-discrimination legislation and about their entitlements to resources and funding at the school level. We support the efforts of MCEETYA to develop guidelines on disability in schools. The guidelines should take account of the unique circumstances of rural and remote students and schools.

Recommendation 6.17a: All education providers should establish information programs for students, parents, teachers and principals on the rights of students with special needs and the requirements of the *Disability Discrimination Act 1992* (Cth) and the relevant State or Territory anti-discrimination legislation.

Recommendation 6.17b: All education providers should ensure that information about relevant anti-discrimination laws, education policies, guidelines and funding arrangements is freely available to parents and students through measures such as

- handbooks distributed to parents of students with special needs
- website information
- regular meetings between parents, principals and district special education staff.

Parent information and support networks

Finding: Parents of students with special needs living in rural and remote areas suffer multiple isolation. They can be isolated physically from the nearest school and a range of essential health and disability services. They are also isolated from other families who share similar experiences. There are fewer disability support networks in rural and remote areas than in urban centres.

Coomda Family Support Group in Victoria, established by parents in 1976, is funded by the Victorian Department of Human Resources. It supports 200 families with a family member with a disability in the Albury/Wodonga area. It plays a crucial role in information sharing, emotional support and helping parents support their child's educational development and could be a model for other regions.

Recommendation 6.18: State and Territory community and children's services departments should fund rural and remote area family support networks to assist isolated families of children with special needs to access information and support.

Language

The language of instruction can be another barrier to education access. In rural and remote areas this barrier particularly affects Indigenous children. Many Indigenous children speak an Indigenous language at home and some have never heard English spoken before they begin school. Almost one-third of Indigenous students live in rural and remote Australia and up to one-third of those speak a language other than English as their first language. Many others speak Aboriginal English at home. Yet some primary schools continue to teach as if the children's first language is English.

Children have a right to an education which develops respect for their own language (CROC article 29.1(c)). Indeed, to ensure education without discrimination or to secure student and parental acceptance, education may have to be delivered in the child's first language. ILO 169 article 28.1 explicitly affirms the right of Indigenous children to learn their own language (see Recommendation 8.1).

Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

ILO 169 reflects Indigenous aspirations to a large extent although it does not define Australia's international obligations.

Indigenous language tuition

Finding: Indigenous languages are not appropriately represented as languages of instruction in Australia. They are not included as LOTE (Languages Other Than English) options. LOTE is a Key Learning Area (KLA) throughout Australia which means that every student must study another language at some stage. In most States and Territories the opportunity for any child, Indigenous or non-Indigenous, to study an Indigenous Australian language is very limited.

Recommendation 6.19: All education providers should progressively introduce and accredit regional Indigenous languages to be available as LOTE options and for use in bilingual education programs.

Language resources

Finding: There are insufficient curriculum materials in Indigenous languages and too few language speakers able to teach in schools to support Indigenous language programs. ATSIC's language programs are very limited and cannot meet the demand from schools for curriculum materials in language.

Recommendation 6.20a: The Commonwealth, as advised by the National Indigenous Education Advisory Council (see Recommendation 8.2), should fund appropriate Indigenous organisations in all regions to record, preserve and teach the Indigenous languages of the region and to resource all school communities desirous of teaching an Indigenous language or providing a bilingual education program.

Recommendation 6.20b: These organisations should also be funded to co-ordinate the provision of advisory services to education providers on school curriculum, materials and language resource development. Wherever possible, local Indigenous experts should be employed to provide this advice.

English as a second language

Finding: In rural and remote schools where all or most students speak a language other than English as their first language, teachers rarely have training in the teaching of English as a second language (ESL). Governments place high priority on English literacy but teachers are not properly equipped for literacy education in these situations.

Recommendation 6.21: All education providers should ensure that, where a high proportion of children in a school speak a language other than English as their first language, teachers are trained and receive regular professional development in the teaching of English as a second language.

Boulia State School students Qld

There should be more co-operation between schools in the region. They should work together to ensure that the North-West Queensland keeps up with other regions in the State. Funding should be provided to enable schools to work together more closely (student meeting in Mt Isa Qld).

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7 Affordability of school education

The greatest education 'disadvantage' faced by people in rural and remote locations is that to gain access to an education - any education - they have to pay more. This can include the cost of travel, of board, loss of income, excursions and so on. There is provision of financial assistance but parents report that this fails to meet costs - in the end, parents have to pay. While some families can afford these costs, for others access to any form of education is a financial burden - and one that many school students assist in meeting through extensive part-time work. Other families find the burden too great, and students drop out of school early (YRC Survey Report, page 18)

In this chapter we set out our findings and recommendations related to the affordability of school education. They cover

- family income support
- transport subsidies
- school fees and charges
- the impact of the GST.

Family income support

In addition to supplementing country school budgets through programs such as the Country Areas Program (see Chapter 4), the Commonwealth makes provision for income support to families of isolated students or directly to students. These are Assistance for Isolated Children, Youth Allowance and Abstudy.

The inquiry heard that Centrelink help lines are inadequate, that some staff in regional centres are unfamiliar with both the assistance available and the relevant eligibility criteria and that processing delays have forced some families to withdraw their children from school altogether. Many of these inadequacies will be addressed by enhanced staff training.

Time running out calls for the review and extension of 'financial assistance programs for rural and remote students with a view to increasing secondary school participation and completion rates in regional Australia' (Recommendation 78). *Katu Kalpa* recommends monitoring recent changes to Abstudy as to their impact

on rural and remote Indigenous students (Recommendation 25). The inquiry strongly endorses these recommendations.

Information about entitlements

Finding: Evidence indicates that income support rules are obscure, the forms complex and the availability of assistance not widely known. Many families are missing out on their entitlements to the severe detriment of their children's education.

> Recommendation 7.1: The Commonwealth should devise and fund a community information campaign in different modes as appropriate to different communities to publicise the assistance available to support children in school education. Mobile community outreach services should be established to assist families with children of school age to make applications for such assistance as they may be eligible for.

Farm assets

Finding: Prior to the 1996 federal election, the Coalition promised to increase the farm assets discount for the purposes of the Youth Allowance Assets Test from 50% to 75%. It has so far failed to implement this promise. Submissions to the inquiry argue that it is unfair to include farm assets because they cannot be realised incrementally to fund children's education without material damage to the viability of the farm enterprise.

Time running out recommends amendment of the Youth Allowance 'to increase the discount for farm and business assets under the family assets test from 50 per cent to 100 per cent for students from rural and remote areas' (Recommendation 80).

> Recommendation 7.2: The discount on farm assets for the purposes of the Assets Test for the common Youth Allowance should be increased from 50% to 100%.

Eligibility for AIC

Finding: The Assistance for Isolated Children (AIC) provides financial assistance for geographically-isolated families to assist them to board their children (Boarding Allowance), establish a second home to enable them to attend school daily (Second Home Allowance) or establish a home schoolroom to support distance education (Distance Education Allowance). Eligibility for each of these Allowances is

dependent upon a basic test of distance from the nearest 'appropriate' government school. This test means students bypassing the nearest school for one with a specialisation (for example, an agricultural school) or capacity to develop a child's talent (for example, music) are unlikely to qualify. Currently AIC is not available to students who travel beyond a local school because

- the local school does not offer particular subjects that the student wants to study
- factors within the family's control such as choice of lifestyle or work commitments make it inconvenient or difficult to transport the student to and from school
- certain subjects are not available by traditional face-to-face teaching but are available through distance education methods or
- the student wishes to attend a specialist or selective school or one which the parents believe will maximise his or her academic potential or career prospects.

Each State and Territory education department interprets the AIC guidelines for the purpose of AIC eligibility within its jurisdiction, notably the test of 'serious education disadvantage' in Years 10, 11 and 12. There are significant variations in the bypassing rules applied in practice.

Recommendation 7.3a: The eligibility requirements for the Commonwealth's Assistance for Isolated Children should be revised to ensure that students whose talents or other needs cannot be developed or met at their nearest government school are entitled to financial support to commute to or board at or near the nearest government school which can develop those talents or meet those needs.

Recommendation 7.3b: Each State and Territory should delegate the implementation of the AIC eligibility criteria within its jurisdiction to its Ministerial Education Advisory Council which should publish annually its reasons for decision on all applications (without revealing the identities of the applicants).

Recommendation 7.3c: Unsuccessful AIC applicants should be entitled to seek review of the decision by the independent Social Security Appeals Tribunal.

Boarding allowance

Finding: AIC Boarding Allowance is currently a minimum of $3,539 per student annually (this basic rate is non-means-tested) up to a maximum of $4,426 per student (this 'additional' rate is means-tested). This allowance can be used to assist

with the cost of boarding schools, school term hostels or private board. The Boarding Allowance is currently set too low causing many families to withdraw their children from school prematurely. When the AIC was introduced the government of the day undertook to peg the Basic Boarding Allowance at 55% of the national average boarding fee. The Isolated Children's Parents' Association advised the inquiry that the basic allowance is only 46% of the national average boarding fee ($7,622 as calculated by ICPA) although it is currently sufficient to cover a very high proportion of boarding costs for many students living at school term hostels while studying at government high schools where there are no tuition fees.

Recommendation 7.4: The AIC Basic Boarding Allowance should be equivalent to 55% of the national average boarding fee and varied annually to maintain that proportion. The adequacy of the Additional Boarding Allowance should be reviewed. It should not be allowed to fall below its current value of approximately 11% of the national average boarding fee.

Second home allowance

Finding: The gap between the Boarding Allowance and the Second Home Allowance ($2,500 annually per student up to a maximum of three) operates as a financial disincentive to set up a second home and educate the children from home. In other words, it is an incentive to send the children away to boarding school.

Recommendation 7.5: The AIC Second Home Allowance should be increased to the equivalent of the Basic Boarding Allowance for eligible students.

Distance education allowance

Finding: In 2000 the AIC Distance Education Allowance is only $1,000 for a primary-aged student and $1,500 for a secondary student. This amount is quite insufficient to equip a modern home schoolroom and enable isolated distance education students to participate in excursions and other extra-curricula learning opportunities.

Recommendation 7.6: The AIC Distance Education Allowance should be revised by adding

1. a component of $1,500 per household per year for computer hardware, software and maintenance and access to the Internet and the school (by phone or E-mail)
2. a component of $500 per student per year for student travel to participate in learning and competition opportunities additional to residential tuition camps.

Assistance for home tutors

Finding: There is a great need for regular expert intensive assistance and support for home supervisors/tutors and isolated students. Curriculum content is increasingly complex and changes at an increased rate. Few farming families can now afford to employ tutors or governesses. Instead isolated families must rely on volunteers. What deters volunteers, notably organised by Volunteers for Isolated Students' Education (VISE) and similar groups, is the cost of travel to and from the property. This cost is often borne in large measure by the volunteers themselves.

Recommendation 7.7: The AIC Distance Education Allowance should be revised by adding a means-tested component per family to assist the family to secure the voluntary services of a tutor for a period of up to six weeks each year. The income threshold should be the same as for the Additional Boarding Allowance.

Transport subsidies

Transport subsidies fall into four categories:

1. those provided to country schools for school excursions (including transport) through the Commonwealth's Country Areas Program
2. those provided by some States/Territories to families of children who relocate for boarding school
3. those provided by some States/Territories to families who live a specified distance from the nearest government school
4. those provided by some States/Territories to the families of children who undertake 75% or more of their study through distance education.

Conveyancing allowance

Finding: Rural and remote families who choose to send their children to a local school, albeit one at distance from the family home, are not necessarily entitled to a conveyancing allowance. Conveyancing allowances are provided by some State and Territory governments but not all. Many families transport their children to local schools under difficult circumstances and at significant financial and personal cost.

In South Australia the Department of Education, Employment and Training provides a conveyancing allowance for travel in a private vehicle in excess of five kilometres between the family home and the school gate or the nearest school bus-

stop. The rate is 15.3 cents per kilometre and two daily round trips are covered per family at an estimated cost of about $800,000 annually State-wide (John Halsey, Country Services Directorate, Adelaide hearing). We consider that all jurisdictions should adopt this model.

Recommendation 7.8: State and Territory governments should provide a conveyancing allowance to families of all students under 18 years of age who must use a private vehicle to travel at least five kilometres from home to the school attended or to the nearest school bus-stop. The allowance, to be paid annually, should be calculated at a rate of 15.3 cents per kilometre for two round trips daily.

Air travel

Finding: For many students the only form of travel available for excursions is air travel. While this travel option may be the cheapest and most efficient form of travel in remote areas, it is nevertheless very expensive. CAP funds are not adequate to cover the costs of air travel for country students.

Some jurisdictions provide travel subsidies for boarding students. In Western Australia, for example, the Department of Transport funds four return airfares home (one per term) for country students who have relocated for boarding school. The WA Department of Transport also provides two return airfares for Year 11 and 12 students who undertake 75% or more of their studies through the School of Isolated and Distance Education (SIDE).

While it is important to retain these subsidies, there is a question of equity for students who remain in their home communities. Senior secondary students who study less than 75% through SIDE have limited funds for travel for educational purposes. The current system of subsidies in WA works as a disincentive for students to continue their secondary studies within their home community. Additionally, the availability of travel subsidies deter small schools from attempting to provide more than 25% of the Year 11 and 12 curriculum in face-to-face teaching.

Recommendation 7.9: All education providers should ensure that all rural and remote senior secondary students (Years 11 and 12) are fully funded to undertake at least one study trip annually to the capital city of their State or Territory. Where distance requires that trip to be made by air, the full cost of the airfare, together with the costs of accommodation in the capital should be covered. Each school should have a discretion to apply those funds for a study trip to an alternative location.

School fees and charges

Finding: Schools throughout Australia increasingly need to recover some of the costs of education directly from families. This is especially true in smaller communities where fund-raising opportunities are scarce and CAP funding is spread too thinly. Strategies for cost-recovery include charging students for excursions and levying a 'voluntary' annual fee. 'Voluntary' fees are levied with variable degrees of persuasion, sometimes amounting to duress. The South Australian government proposes to legislate to make school fees in that State compulsory and recoverable as debts.

Recommendation 7.10a: State and Territory education departments should ensure that no fees are imposed or re-imposed for any core education activity including educational excursions.

Recommendation 7.10b: MCEETYA should review the effectiveness of government school funding distribution annually to ensure that core education activities can be provided free of charge to every Australian student.

The impact of the GST

Finding: Although direct education costs are GST-exempt, essential but indirect education costs are expected to rise under the GST affecting rural and isolated families disproportionately. Goods and services on which country students depend more than urban students include air travel (to and from boarding school and for excursions), bus travel typically on privatised services, petrol when the family car is used for school transport and transport for excursions, school meals, pastoral and other residential staff at boarding schools and school term hostels and equipment for the isolated home schoolroom which is available at school for most students. Distance, the need for some to live away from home and the need to equip a schoolroom at home for those studying by distance are features of rural and remote education which, it is feared, will not be taken into account in determining GST exemption.

Recommendation 7.11: The GST exemption for education should cover all school-related costs, including travel to and from school or boarding school, boarding school and school hostel meals, pastoral care at boarding schools and hostels, sporting and other excursion and competition costs.

Students of St Cecilia's College meeting with the inquiry in South Headland WA.

We reckon that in order to give the school some stability that the executive staff especially should be made to stay for five years instead of three to decrease the amount of turnover in that part of the staff. And with the other teachers there shouldn't be more than two coming in and going out each year so that there's not so much change for the students. And perhaps to keep them here they should be given an incentive, like given more points. They already get points to come here but they should actually be given more because they just do it for three years and that's it. They don't stay for too long. So maybe if they were given more points or more money they'd be inclined to stay (student meeting in Bourke NSW).

8 Acceptability of school education

In rural and remote areas, the acceptability of school education is primarily an issue for Indigenous children and their parents. This chapter therefore deals only with their situation.

[There are] significant shortcomings within the education system which has failed Indigenous people in a number of ways. These include, for example, the lack of relevance to Indigenous needs, culture, knowledge and experience, failure to engage Indigenous children in the learning process, particularly beyond the compulsory years; failure to effectively address the issues of racism and discrimination experienced by Indigenous students, both in the school environment and in the job market; failure to effectively involve parents and communities in their children's education and the inadequate number of teachers with appropriate skills and cultural knowledge and the lack of facilities available to students in rural and remote areas (David Curtis, ATSIC Commissioner, Melbourne hearing).

The aims of the following recommendations are to

- overcome some of the barriers to education participation and success for Indigenous children
- enhance Indigenous content - including languages, culture and history - in school curricula and incorporate Indigenous learning styles in delivery modes
- make schools welcoming places for Indigenous people - increasing the opportunities for the participation of local Indigenous people in school decision-making, teaching and student support.

National Indigenous education principles

Finding: Indigenous education in Australia is still largely marked by failure to include Indigenous communities fully in education decision-making (contrary to National Aboriginal and Torres Strait Islander Education Policy Goals 1, 3 and 5), failure to ensure Indigenous participation in the delivery of education (contrary to Goals 2 and 4) and failure to assure to Indigenous children their right to learn their own language and to learn in their first language. These failings contribute to low Indigenous school participation and poor education outcomes.

There is a need to reframe the policy framework for Indigenous education and programs. *Katu Kalpa* recommends that policies and strategies be developed and delivered in a way that takes full account of the cultural history, identity, diversity and continuing educational disadvantage of Indigenous people (Recommendation 6). *Katu Kalpa* endorses the value of community self-determination in education by recommending that 'responsibility for school programs and overall administration be devolved to school communities where appropriate' (Recommendation 31). The inquiry endorses these recommendations. As Dr Ken Boston, NSW Director-General of Education and Training, has noted

If governments have learnt anything ... it is that the particular histories of Aboriginal communities in relation to their experiences with white communities, economies, government agencies and the local permutations of government policies, must inform approaches to education and training ...

The principles are the same: local Aboriginal community participation, collaboration and leadership with government services working in partnership as place managers. But the implementation must differ according to local community desire and determination (Unicorn 1999, page 35).

The inquiry strongly supports the finding of *Katu Kalpa* that bilingual education programs should be maintained in those areas where they are seen as appropriate and necessary by Indigenous communities (Recommendation 15).

Recommendation 8.1: Five basic principles should form the basis for future planning and provision of education to Indigenous students throughout Australia.

1. The Indigenous community has a right to self-determination within the education system. This means that Indigenous parents and communities should be involved in education decision-making at all levels from the individual school level to the levels of regional/district, State/Territory and Commonwealth policy and implementation. An Indigenous community wishing to manage and determine the provision of schooling should be supported and facilitated to do so.

2. Indigenous children have a right to be educated in and about their own language, culture and history. The way in which this right is implemented, including the choice of educators, should be determined by the local Indigenous community.

3. Indigenous children have a right to an education which prepares them for full participation in Australian society and equips them, in particular, with English literacy and numeracy proficiency.

4. Indigenous communities have a right to transmit their language and culture and the education system should respect the knowledge, expertise and experience of Indigenous community members and ensure that every opportunity is provided for its use in the education of Indigenous and non-Indigenous children.

5. Education needs should be evaluated in their social context and education planning and provision should be integrated with planning and provision of health services, housing, essential services, employment opportunities and other infrastructure.

National Indigenous Education Advisory Council

Finding: The first step towards enhancing Indigenous community self-determination is for Indigenous people themselves to resolve some key issues of policy and participation in the policy formulation process. The inquiry endorses the very similar recommendation proposed by *Katu Kalpa* (Recommendation 7).

Recommendation 8.2: The Commonwealth should establish and resource adequately and appropriately a National Indigenous Education Advisory Council to advise MCEETYA on Indigenous education needs and policy. The Council should be made up of representatives of relevant Indigenous organisations, including ATSIC and State and Territory Indigenous education consultative groups.

Curriculum

Finding: The Australian education system is not designed, on the whole, to meet the needs, reflect the culture and fulfil the expectations of Indigenous Australians. Indigenous students are generally expected to accommodate themselves to a system which could make greater efforts to accommodate itself to them. Indigenous knowledge, cultures, values and languages have rarely been valued in education and the curriculum in most schools has paid no more than lip service to Indigenous history, cultures and languages.

Current mainstream schools perpetuate attitudes and values which do not reflect the culture and lives of Indigenous students (Beverley Angeles, Indigenous Education Council, Darwin hearing).

One consequence of this combination of factors is Indigenous students' school refusal and 'failure' and parent alienation and hostility.

We agree with the Senate Committee that

It is fundamental that Indigenous people should have access to the same educational opportunities as all Australians. This includes access to curriculum that is educationally challenging as well as culturally appropriate. It is also axiomatic that good educational practice takes into account the background and needs of the student. There is strong evidence that cultural issues are important for Indigenous people and should be taken into account in curriculum design ... Cultural inclusiveness should not be at the expense of academic standards. Consideration of cultural issues should also take into account the level of cultural diversity of the Indigenous population (Katu Kalpa paragraph 4.20).

The *National Indigenous English Literacy and Numeracy Strategy* aims to promote a commitment to a three-pronged approach involving

- teaching with a recognition and inclusion of students' cultures and languages
- participation by parents, communities and students
- focusing on skills development that is related to students' real life experiences (2000, page 30).

Recommendation 8.3: All education providers should ensure that their teaching methods, learning materials and assessment and reporting strategies meet the twin objectives of preparing Indigenous students for education and training, the workplace and full participation in the broader community and of valuing Indigenous identity, history, culture, values and languages.

Teachers

Finding: Few non-Indigenous teachers have been educated about Indigenous cultures, values or aspirations, especially when they are first posted. Many arrive ill-equipped by teacher training courses and their experiences to teach Indigenous children, especially in line with the priorities for Indigenous community decision-making and teaching which respects Indigenous learning styles, culture, values and languages. WA's *Country Roads* plan envisages the expansion and improvement of cross-cultural awareness training for education and training staff (strategy 5.1). This is an essential first step.

Recommendation 8.4: All teacher training institutions should offer modules on

- Indigenous learning styles and how to implement them
- Indigenous culture and history
- Indigenous community rights and aspirations.

These modules should be designed and delivered in consultation with the proposed Indigenous advisory services (see Recommendation 6.20b) and regional or State/Territory Indigenous education advisory groups to ensure their accuracy, relevance to the State/Territory or region and acceptability to local Indigenous people.

Recommendation 8.5: All serving teachers should have ready access to professional development in these modules and successful completion of these modules should be required for those teaching or preparing to teach in Indigenous communities and for those with a proportion of Indigenous students.

ASSPA

Finding: The Aboriginal Student Support and Parent Awareness (ASSPA) program is the principal program through which many Indigenous people are able to have a say in their children's education. Not every school with Indigenous students has an ASSPA committee and not every ASSPA committee has active Indigenous parent membership. ASSPA committees receive project funding from the Commonwealth. The funds can be spent on the decision of the school principal. The ASSPA committee may be simply expected to rubber stamp that decision. As a result, ASSPA funds are sometimes spent on items which do not specifically benefit Indigenous students. The inquiry endorses the proposal of *Katu Kalpa* for more flexible ASSPA guidelines 'to allow school communities to apply grants that fit local educational programs most appropriately' (Recommendation 33).

Recommendation 8.6: The Commonwealth's Aboriginal Student Support and Parent Awareness (ASSPA) program should be retained but revised to ensure

- Indigenous community stakeholders, including but not limited to parents, are able to participate actively in local ASSPA committees
- all funding decisions are agreed to by the Indigenous members of the local committee
- responsibility for providing recruitment and secretariat services to ASSPA committees does not fall entirely on the local Aboriginal and Islander Education Workers.

Finding: Many Indigenous adults have become alienated from the education system. Their alienation can translate into resistance to participation in school decision-making and other school activities and even into reluctance to ensure their children attend and participate in effective learning. Yet there is a great need for significantly increased presence of Indigenous adults in schools and many roles they could play if appropriately welcomed. These include

- pastoral support to students
- role models
- school-parent liaison
- sports coaches
- teaching local history, culture, language and crafts
- literacy support
- organising NAIDOC week events
- resourcing newly-recruited teachers
- administrative support
- subject tutors.

Some of these roles are taken on by AIEWs but, as noted in Chapter 5, these staff are often over-burdened and isolated among predominantly non-Indigenous staff. Schools need to find ways to recruit and remunerate or compensate local Indigenous people to participate in the school community in a variety of roles.

The importance of engaging parental and community support for and participation in education is a key theme of the *National Indigenous English Literacy and Numeracy Strategy* announced in March. The Strategy includes a commitment to improving the ASSPA program (2000, pages 16-17). It will also promote mentoring projects in which Elders and other community leaders will be supported to 'offer their skills, experiences and encouragement to Indigenous students' (page 19).

Recommendation 8.7a: DETYA should encourage all ASSPA committees to develop proposals for incorporating more local Indigenous people into the school program and to submit funding applications.

Recommendation 8.7b: MCEETYA's Rural School Communities Taskforce (see Recommendation 4.4) should review school funding arrangements to identify ways of funding significantly increased local Indigenous participation in student support roles.

9 Adaptability of school education

Schooling needs to be responsive to individual needs and learning styles, local conditions, parent and community expectations and each student's aspirations and future prospects. Local flexibility within agreed and equitable national standards is the best way to ensure this responsiveness.

The recommendations in this chapter address the need for enhanced responsiveness to local conditions in respect of

- timetabling
- curriculum
- vocational education and training.

Timetable

Finding: In small communities the school may be the only resource that provides sporting, learning and recreational facilities. Locking up the school in the evenings, on weekends and at the end of each term denies the community access to a vital resource. Schools in Indigenous communities are generally closed during the wet season although this is often the best time to conduct classes since community members are less likely to leave the community for cultural activities at this time. Sex segregated classes or classes formed from clan rather than age groups may be preferred in many Indigenous communities. Education providers could do much more to accommodate Indigenous lifestyles and cultural values and, indeed, the needs of all rural and remote communities. We applaud, therefore, the commitment to school timetable and structure flexibility in the *National Indigenous English Literacy and Numeracy Strategy* (2000, pages 18-19).

Recommendation 9.1: All education providers should enable schools to provide maximum flexibility in responding to the educational and other needs of the local community. The following should be capable of local negotiation:

- enabling classes to be structured on culturally appropriate lines such as by reference to clan affiliation rather than age cohorts
- enabling remote schools to remain open with adequate supervision throughout the year, including supervision by community officials other than school staff when needed

- enabling variation to the school day and the school year, terms and holiday timetable
- enabling schools to open outisde school hours to provide a resource to other community members, supervised by school staff or other community officials
- enabling sporting, recreational, library and computer equipment to be available to community members.

Curriculum

To ensure that rural and remote students are able to receive a quality education that is responsive to their needs and expectations, the curriculum may need to be restructured in some respects. Learning programs and teaching and evaluation methods must be relevant, suited to the ways students learn best and in tune with their social, cultural, language and developmental background (see *Country Roads* strategy 1.6).

Local content

Finding: Students in some communities are disadvantaged in competitive assessments because some subject curriculum reflects or focuses on an urban living experience. Rural students may need to travel across the State to study a particular environment in Year 12 geography, for example. This significantly escalates the cost of education for those families that can afford such an excursion and severely disadvantages students whose families cannot.

The contemporary trend to focus on learning outcomes rather than set subject content offers an ideal opportunity to incorporate content reflecting rural and remote realities. The significance of local content for successful learning by Indigenous students is reflected in the *National Indigenous English Literacy and Numeracy Strategy* (2000, page 20). Implementation will require commitment and adequate funding.

Recommendation 9.2a: All education providers should ensure to each rural and remote school community sufficient flexibility to enable local or regional content to be introduced while still achieving established learning outcomes.

Recommendation 9.2b: The Commonwealth should establish a rural curriculum development fund to enable the development of curriculum components with local content and relevance in all country regions.

Vocational education and training

VET can be considered an aspect of the availability of school education considering its growing acceptance as an essential part of a school curriculum. The Committee on Economic, Social and Cultural Rights considers that VET 'forms an integral element of all levels of education' being an element of the right to work as well as of the right to education (*General Comment No. 13*, paragraph 15).

The value of engaging interested students in TAFE and other VET programs even during the compulsory years of schooling is now being accepted. Education Queensland is 'introducing enterprise education linked to structured work placements' (submission, page 5). In most States and the Northern Territory school students can also take TAFE courses as part of their curriculum.

Vocational education developments were seen by some teachers as an important curriculum strategy to overcome some of the limitations caused by distance and location. With the connections being developed within the local business community for work placement, students are able to gain training qualifications without having to leave the community (YRC Survey Report page 42).

However, the difficulties of staffing many rural and remote schools and the comparatively lower student numbers mean that industry pre-training of relevance to the locality is frequently unavailable. The ultimate impact on the capacity of rural industries to recruit local graduates with relevant skills business was recognised in *Time running out*.

Limited subject choice and generally poorer year 12 outcomes restrict the opportunities for students to enrol in engineering, computer and information science and the applied sciences [at tertiary level], all skills of major significance to rural and regional areas (paragraph 9.72).

Time running out recommends that DETYA should 'place greater emphasis on providing vocational education and training for Year 11 and 12 students in regional areas' (Recommendation 76; see also Recommendation 79). We endorse the need for much greater emphasis on VET but note that some students have already withdrawn from school before Year 11. VET courses in the early years of secondary school can assist in developing literacy and numeracy skills while offering opportunities for transition into TAFE programs and jobs. Offering VET options during the compulsory years of schooling may assist in the retention of boys, in particular, whose school retention rates still fall below those of girls throughout

Australia. The *National Indigenous English Literacy and Numeracy Strategy* envisages work placements commencing in Year 9 (2000, page 20).

VET courses

Finding: There are still too few opportunities for secondary-aged students to participate in vocational education and training courses of relevance to the industries and businesses in their local areas. Cross-sectoral collaborations of the kind proposed in Recommendations 5.1 and 5.16 need to be facilitated to permit this to occur.

Recommendation 9.3: All education and training providers should collaborate to develop local partnerships with business and other government and non-government agencies and to offer VET opportunities to all secondary-aged students.

Work experience

Finding: Work experience placements are a prerequisite to successful completion of vocational education and training courses. Schools in towns and communities where few industries are able or willing to provide work experience are unable to offer the same education experience to their students. When VET students in these communities need to access a work experience placement, they usually have to travel long distances on a daily basis or relocate for the duration of the placement. The 'New Apprentice' scheme enables secondary students to undertake Apprenticeships and Traineeships pursuant to a training agreement. Not all VET courses are subject to training agreements, however, and not all VET students are participants in this scheme. Only participants in the 'New Apprentice' scheme are entitled to travel and accommodation assistance.

Recommendation 9.4: State and Territory governments should ensure that secondary students enrolled in VET courses requiring work experience placements receive the same travel and accommodation allowances as are provided to students engaged in traineeships and apprenticeships based on the same eligibility criteria. MCEETYA should encourage national adoption of best practice in the provision of these allowances.

Appendix 1 Submissions

No.	Name	Location
1	Batchelor College	Batchelor NT
2	Mr Grahame & Mrs Lynda Code	Aberfeldy Vic
3	Anonymous	Dalby Qld
4	Bingara Central School P&C Association	Bingara NSW
5	Ms Meg Leathart, teacher at Boggabilla Central School	Boggabilla NSW
6	Ms Pam Ryan, Principal, Orange High School	Orange NSW
7	Bega High School	Bega NSW
8	Mr Paul Yeatman, Lal Lal Primary School	Ballarat Vic
9	Ms Susan Wall	Casterton Vic
10	Ms Christina & Mr Wayne Morris	Naradhan NSW
11	Mr Craig Luccarda, teacher at Trangie Central School	Trangie NSW
12	Mr Stewart Ross	Corryong Vic
13	Mr Jim Wilton, Principal, Wentworth Public School	Wentworth NSW
14	Dr Geoff Rodgers, School of Education, Charles Sturt University	Wagga Wagga NSW
15	Confidential	Bourke NSW
16	Ms Trish Jessop, South East Regional Council of Adult & Children's Education	Wollongong NSW
17	Ms Olive Mallory, CQ Connections, Central Queensland University	Rockhampton Qld
18	Ms Barbara Schultz	Cowell SA
19	Mr A A Brooker, Headmaster at Geraldton Grammar School Inc.	Geraldton WA
20	Brownswell District High School	The Mallee SA
21	Concerned Parents Group	Quilpie Qld
22	Mr Steve Oakley, teacher at Broome Primary School	Broome WA
23	Open Access College Council	Marden SA
24	Dr Bob Boughton, Indigenous Education Research Fellow Menzies School of Health Research	Alice Springs NT
25	Brother John Giacon, Christian Brothers	Walgett NSW
26	NT Department of Education	Darwin NT
27	Hedland Senior High School Music Department	South Hedland WA
28	Mr Andrew Burn	Griffith NSW
29	Rendelsham Primary School Council	Rendelsham SA
30	Ms Diane Clay	Derby WA
31	St Patrick's School	Camperdown Vic
32	Lajamanu Community Education Centre	via Katherine NT
33	Curtin University of Technology, Kalgoorlie Campus	Kalgoorlie WA
34	Muda Aboriginal Corporation	Bourke NSW
35	Mansfield Secondary College	Mansfield Vic
36	Mr Chris Jansen	Hamilton Vic
37	Isolated Children's Parents' Association (NSW)	Quambone NSW
38	Mr Ken Linfoot, School of Learning Development & Early Education, University of Western Sydney, Nepean	Kingswood NSW
39	Hillston Pre-School Inc.	Hillston NSW
40	Ms Astra Warren	Lesmurdie WA

41	Ms Kathleen Evans	Norfolk Island NSW
42	Isolated Children's Parents' Association (Australia)	Williams WA
43	Merriwa Central School P&C Association	Merriwa NSW
44	Ms Mary Knowles	Gipps Creek Tas
45	Mr Greg & Mrs Wendy Mallon	Urana NSW
46	Ms Sandra Morrow	Bellingen NSW
47	Sisters of Charity Outreach	Darlinghurst NSW
48	Dorrigo High School	Dorrigo NSW
49	Ms Julie Sutherland	Kununurra WA
50	Clifton State High School	Clifton Qld
51	Berrigan Children's Centre Association	Berrigan NSW
52	Ms Beverley Angeles, NT Indigenous Education Council	Alice Springs NT
53	Mr Dale Price	Glencoe SA
54	Ms Gail Walley	Port Hedland WA
55	Ms Maurine Gibson, Social Planner, Families, Youth & Community Care	Maryborough Qld
56	Mr Allan Mackenzie, Patrol Padre, Frontier Services of the UCA	Mt Magnet WA
57	White Cliffs Public School	White Cliffs NSW
58	Mr Phil & Mrs Melissa Treloar	Menzies WA
59	Ms Anne Bryant	Buntine WA
60	Mrs Mardi Read	via Port Augusta SA
61	Ms Fiona Fielder	Aramac Qld
62	North Haven P&C Association & School Council	North Haven NSW
63	Mrs Thalia Phelps	Rowena NSW
64	Prof. Ann Deden, Pro Vice-Chancellor (Teaching, Learning & Technology), Edith Cowan University	Churchlands WA
65	Ms Erin Loxton	Millicent SA
66	Ms Traci Wilson-Brown	Wuigulmerang Vic
67	Torres Strait Islanders Education Council	Thursday Island Qld
68	Ms Aileen Buckley	Muttama NSW
69	Ardlethan Central School P&C Association	Ardlethan NSW
70	Ms Sally Tonkin	Port Lincoln SA
71	Varley Primary School P&C Association	Varley WA
72	Women's Electoral Lobby (Australia)	Civic Square ACT
73	Dubbo & District Pre-School Management Committee	Dubbo NSW
74	Murraylands District Leaders' Group	Mannum SA
75	Casterton Secondary College Council	Casterton Vic
76	Dorrigo High School & Community	Dorrigo NSW
77	Victor Harbor High School	Victor Harbor SA
78	Mr Richard & Mrs Cristina V Taffe	Wodonga Vic
79	Mr Michael Horsley, Principal, St Mary's College	Gunnedah NSW
80	Ms Carol Richards	Coolah NSW
81	Mr Tim Loreman, Faculty of Education, Monash University	Clayton Vic
82	Parent Management Committee, Manilla Community Pre-School Inc.	Manilla NSW
83	Scotts Head Public School P&C Association	Scotts Head NSW
84	Mrs Jill & Mr John Durkin	via Southbrook Qld
85	Anonymous	SA

86	Ms Sally McGushin	Queenstown Tas
87	Priority Country Area Program Qld State Council	Brisbane Qld
88	Ms Carolyn Matthews, Division of Education, Arts & Social Sciences, University of SA	Adelaide SA
89	Ms Annette Herbert, Inclusive Education Network	Plympton Park SA
90	Tasmanian Catholic Education Office	North Hobart Tas
91	Priority Country Area Program, Qld Central Area Committee	Rockhampton Qld
92	St Mary's School	Swan Hill Vic
93	Mrs Val Hawke	Collie WA
94	Mr Angas Bronkworth	Kingston SA
95	Diocese of Darwin Catholic Education Office	Berrimah NT
96	Moura State High School P&C Association	Moura Qld
97	St Joseph's P&F Association	Glenn Innes NSW
98	Diocese of Townsville Catholic Education Office	Aitkenvale Qld
99	Ms Tracie Blair	Newman WA
100	Imago Multimedia Centre Limited	East Perth WA
101	Aberdeen Public School	Aberdeen NSW
102	Ms Helen Petros	Port Pirie SA
103	Queensland Council of P&C Associations Inc.	Albion Qld
104	Ms Lynn McIntyre	Tumbarumba NSW
105	Ms Wendy Tully	Quilpie Qld
106	Donnybrook District High School P&C Association	Donnybrook WA
107	Association of Independent Schools of Queensland Inc	Spring Hill Qld
108	East Ayr State School, Burdekin Special School P&C Association	Ayr Qld
109	Croydon State School P&C Association	Croydon Qld
110	Mr Peter Reynolds, School of Indigenous Studies, Edith Cowan University	Mount Lawley WA
111	WA Farmers' Federation	East Perth WA
112	SA Independent Schools Board	Malvern SA
113	Booleroo Centre High School	Booleroo Centre SA
114	Nhulunbuy High School Council	Nhulunbuy NT
115	Mr R N & Mrs S A Story	Cowell SA
116	WA Outis Media Group	Perth WA
117	Gladstone Area Autism Support Group	Gladstone Qld
118	Tasmanian Council of State School P&F Associations Inc	Hobart Tas
119	Australian College of Education, Qld Chapter	Aspley Qld
120	Queensland Catholic Education Commission	Brisbane Qld
121	SA Catholic Education Centre	Torrensville Plaza SA
122	Attention Disorders Association of SA	Marleston SA
123	Kununurra District High School P&C Association Upper Secondary Steering Committee	Kununurra WA
124	Kimba Area School Council	Kimba SA
125	Ms Imogen Baghurst	Bridgewater SA
126	Isolated Children's Parents' Association (SA), North East Branch	via Burra SA
127	Remote & Isolated Children's Exercise	Port Augusta SA
128	Rural & Remote Student Equity Project, University of WA	Nedlands WA
129	Eastern Goldfields Senior High School P&C Association	Kalgoorlie WA

130 Katanning Senior High School	Katanning WA
131 Salmon Gums Primary School P&C Association	Salmon Gums WA
132 Newman Senior High School	Newman WA
133 Mrs Raelene Hall	via Meekatharra WA
134 Pipalyatjara Anangu School	via Alice Springs NT
135 Smile-A-Mile Fun Bus & Toy Library	Humpty Doo NT
136 Uniting Church in Australia, Northern Synod	Darwin NT
137 Nambara Schools Council	via Nhulunbuy NT
138 Batchelor Institute of Indigenous Tertiary Education	Batchelor NT
139 Ms Joanne Grimmet	Grantham Qld
140 Burnside	Parramatta NSW
141 Mr Robert Taylor, Uni-Talk Project, Queensland University of Technology	Brisbane Qld
142 Mr Jim Reddyhough	Carnarvon WA
143 SchoolWatch Committee	Annandale NSW
144 The Scots PGC College	Warwick Qld
145 Marlborough State School P&C Association	Marlborough Qld
146 Priority Country Area Program, Qld Northern Region	Cairns Qld
147 Government of South Australia	Adelaide SA
148 Tweed Heads North Public School P&C Association	Tweed Heads NSW
149 Mrs Sally Cripps	Blackall Qld
150 Mr Peter Hallinan, Faculty of Education & Creative Arts, Central Queensland University	Rockhampton Qld
151 Great Southern District Association of School Parent Clubs	Yankalilla SA
152 DETYA: Department of Education, Training & Youth Affairs (Cth)	Canberra ACT
153 Murrupurtiyanuwu Community School	Bathurst Island NT
154 Confidential	Albany WA
155 Diocese of Canberra-Goulburn Catholic Education Office	Manuka ACT
156 Merriwa Teachers' Association	Merriwa NSW
157 Autism Association Queensland	Sunnybank Qld
158 Priority Country Area Program, N-W Qld	Longreach Qld
159 Columba Catholic College	Charters Towers Qld
160 Ms Patricia Gribble, Ms Ann Watson-Brown & Ms Nicole Brown, St Michael's School	Palm Island Qld
161 Mrs Pam Schneider	Thangool Qld
162 Qld Rural Women's Network	Killarney Qld
163 Qld Independent Education Union	Fortitude Valley Qld
164 Diocese of Rockhampton Catholic Education Office	Rockhampton Qld
165 Isolated Children's Parents' Association (SA)	Olary SA
166 Ms Nita Williams	South Mackay Qld
167 Ms Sue Whatman, Oodgeroo Unit, Queensland University of Technology	Kelvin Grove Qld
168 Mrs Gurrwun Yunupingu, Yirrkala Community	via Nhulunbuy NT
169 South Australian Association of School Parents Clubs Inc.	Adelaide SA
170 National Farmers' Federation	Kingston ACT
171 Isolated Children's Parents' Association (Qld), Capricornia Branch of the Air	Banana Qld

172	Isolated Children's Parents' Association (Qld)	Cooladdi Qld
173	Australian Council of State School Organisations Inc	Hughes ACT
174	Telstra	Melbourne Vic
175	NSW Teachers Federation	Darlinghurst NSW
176	Independent Education Union of Australia	South Melbourne Vic
177	NSW Department of Education & Training	Sydney NSW
178	Mrs Christine & Mr Andrew Adams	Barcaldine Qld
179	NSW Farmers' Association	Sydney NSW
180	School of Isolated & Distance Education	Leederville WA
181	Migrant Resource Centre Northern Tasmania	Devonport Tas
182	Board for Lutheran Schools	North Adelaide SA
183	Dr Anne Lowell, Aboriginal Resource & Development & Services, Menzies School of Health Research	Darwin NT
184	Australian Library & Information Association	Kingston ACT
185	Society for the Provision of Education in Rural Australia	Darling Heights Qld
186	National Catholic Education Commission	Canberra City ACT
187	Confidential	Tamworth NSW
188	Anonymous	NSW
189	Coomealla High School P&C Association	Dareton NSW
190	Ms Dianne Newey	Cobar NSW
191	Diocese of Lismore Catholic Education Office	Lismore NSW
192	Ms Jennifer Berry	Dubbo NSW
193	Ms Sharon Grellman & Ms Jenni Boyle	Wee Waa NSW
194	Family Advocacy NSW	Epping NSW
195	Associate Professor Bob Perry, School of Education, University of Western Sydney, Macarthur	Campbelltown NSW
196	Ms Meaghan Sweeney	Wagga Wagga NSW
197	Catholic School Parents Association, Diocese of Bathurst	Mudgee NSW
198	Ms Angela Earle	Mungindi NSW
199	National Association of Mobile Services for Rural & Remote Families & Children Inc	Wodonga Vic
200	Australian Council of Deans of Education	O'Connor ACT
201	Scottsdale High School	Scottsdale Tas
202	Australian Association of Special Education Inc	Berrimah NT
203	Mr John D Ratcliff	Kingston SE SA
204	Shires Association of NSW	Sydney NSW
205	Ms Debbie Knight, Principal, Dalwood Assessment Centre & Palm Avenue School	Seaforth NSW
206	Government of Tasmania	Hobart Tas
207	Dumbleyung District High School P&C Association	Dumbleyung WA
208	Tubbut Primary School	via Bonang Vic
209	Aboriginal & Torres Strait Islander Commission	Canberra ACT
210	Ms Robyn Raine	Wodonga Vic
211	WA Education Department (EDWA)	East Perth WA
212	Swan Hill District Council of Parents' Clubs	Swan Hill Vic
213	Coonda Family Support Group Inc	Wodonga NSW
214	Friends of Monash Gippsland	Cowwarr Vic

215 Ms Gabrielle McKenna	Tocumwal NSW
216 Mrs Margo Floyd	Roma Qld
217 Wollongbar P&C Association	Wollongbar NSW
218 Ms Barbara Preston	O'Connor ACT
219 Ms Marie Grego	
220 Bundarra Central School Council & P&C Association	Bundarra NSW
221 Department of Education, Employment & Training Victoria	Melbourne Vic
222 West Wyalong High School P&C, West Wyalong Public School P&C, Wyalong Public School P&C, West Wyalong Public School School Council, West Wyalong Teachers' Federation Association & West Wyalong High School SRC	West Wyalong & Wyalong NSW
223 Ms Marion Kossatz, Volunteers for Isolated Students' Education	Fisher ACT
224 Mr David Dyet, The People Together Project	North Carlton Vic
225 Mr Chris Watt & Ms Diet Callsope, NSW/ACT Independent Education Union	Sydney NSW
226 Ms Enza di Stefano & Ms Edna McGill, Ethnic Communities Council NSW	Sydney NSW
227 Mr David Price, Department of Education Services WA	Cloisters Square WA
228 Country Education Project	Elmore Vic
229 St Joseph's Catholic School	Mungindi NSW
230 Tuntable Falls Community Primary School Co-ordinating Co-op	Nimbin NSW
231 Department of Infrastructure Victoria	Melbourne Vic
232 Anglicare Tasmania	Hobart Tas
233 Education Queensland	Brisbane Qld
234 Dr David McSwan, School of Education, James Cook University	Townsville Qld
235 Queensland Teachers' Union	Milton Qld
236 Manangatang P-12 College	Manangatang Vic
237 Ms Martine & Mr Silvano Maurizio	Inverloch Vic
238 Mr Paul Chisholm	Archies Creek Vic
239 Mrs Annie Chisholm	Archies Creek Vic
240 Mrs Kerrie Osman	Korumburra Vic
241 Association of Independent Schools of Qld Inc.	Spring Hill Qld
242 Toowoomba North State School Campus	Toowoomba Qld
243 Ms S R Rasmussen, Principal, Brisbane School of Distance Education	Brisbane Qld
244 Mary Mackillop Catholic Regional College	Leongatha Vic
245 Yarra Valley School Bus Action Group	Healesville Vic
246 Ms Jeananne & Mr Norman Brown	Mirboo North Vic
247 Traralgon Deaf Facility	Traralgon Vic
248 Ms Margery Townrow	Nullawil Vic
249 Ms Patricia Henry	Benalla Vic
250 Ms Marjo Finken	Mirboo North Vic
251 Mrs Rowena Turner	Bindi Vic
252 Ms Gayle & Mr Phil Shepherd	Waratah North Vic
253 Mr & Mrs WA & AE Speekman	Korumburra Vic
254 Confidential	Cottesloe WA
255 Mr David Eastburn	Chapman ACT

256	Wudinna Primary School	Wudinna SA
257	Victorian Federation of State School Parents' Clubs Inc.	Abbotsford Vic
258	Mr John Ireland, School Focused Youth Service Co-ordinator, East Gippsland	Lakes Entrance Vic
259	Catholic Education Commission of Victoria	East Melbourne Vic
260	Mr Alistair Horne	Sandy Bay Tas
261	King Island District High School	King Island Tas
262	Ms Anne Lucadou-Wells	Riverside Tas
263	Tasmanian Parents' Council of Independent Schools Inc.	Sandy Bay Tas
264	Mr Garry Pike, Head, Ulverstone Campus, Leighland Christian School	Ulverstone Tas
265	Tasmanian Catholic Education Employees Association	North Hobart Tas
266	Isolated Children's Parents' Association (Tas)	Bothwell Tas
267	Council of Australian State Libraries	Sydney NSW
268	Rural & Isolated Special Interest Group, Australian Library & Information Association	Darwin NT
269	St Joseph's School	Port Lincoln SA
270	WEST 2000 Management Board	Dubbo NSW
271	SA Association of State School Organisations Inc.	North Adelaide SA
272	Dr Alan Bundy, University Librarian, University of South Australia	Blackwood SA
273	Sister Clare Ahern, Mrs Gwen Bucknell & Mrs Mary Vajda, Broome Campus, University of Notre Dame	Broome WA
274	East Kimberley Education & Training Committee	Kununurra WA
275	Mr Daniel Suggit, Kununiarra Youth Services Inc.	Kununurra WA
276	Mr Alan McLaren, Principal, Kununurra District High School	Kununurra WA
277	Wudinna Area School Council	Wudinna SA
278	Doomadgee State School	Doomadgee Qld
279	Mr John Polglase & Sister Maryanne, St Joseph's Primary School	Kununurra WA
280	Papunya Community	Papunya NT
281	Dr Michael Christie, Faculty of Aboriginal & Torres Strait Islander Studies, NT University	Darwin NT
282	Mr Harris van Beek, Australian Student Traineeship Foundation	Sydney NSW
283	Women for Power	Jundah Qld
284	Boulia Shire Council	Boulia Qld
285	Burke & Wills Aboriginal Co-operative Society Ltd	Boulia Qld
286	Ms Kalinda Cluff	Boulia Qld
287	Ms Marg Beagley, Executive Principal, Open Access College	Marden SA

Appendix 2 Hearings and meetings

Location	Date	Hearing	Public meeting	Student focus group
Adelaide SA	9/8/99	x		
Barmsdale Vic	11/11/99		x	x
Billiluna WA	14/5/99		x	x
Bioulia Qld	4/10/99		x	x
Bourke NSW	1/3/99	x	x	x
Brewarrina NSW	2/3/99	x	x	x
Brisbane Qld	8/10/99	x		
Broome WA	20/5/99	x		
Canberra ACT	26/10/99	x		
Daguragu NT	13/5/99		x	
Darwin NT	10/5/99	x		x
Devonport Tas	3/11/99		x	x
Doomadgee Qld	6/10/99		x	x
Fitzroy Crossing WA	19/5/99		x	x
Halls Creek WA	18/5/99		x	x
Hobart Tas	5/11/99	x		
Kalkaringi NT	13/5/99		x	
Kununurra WA	17/5/99	x	x	x
Lajamanu NT	13/5/99		x	
Melbourne Vic	12/11/99	x		
Moree NSW	4-5/3/99	x	x	x
Moree NSW	9/9/99		x	x
Mt Isa Qld	6-7/10/99		x	x
Nguiu NT	11/5/99		x	x
Nhulunbuy NT	12/5/99		x	x
Normanton Qld	5/10/99		x	x
Perth WA	24/5/99	x		
Port Lincoln SA	10/8/99	x	x	x
Queenstown Tas	4/11/99		x	x
South Hedland WA	21/5/99		x	x
Sydney NSW	22/10/99	x		
Walgett NSW	3/3/99	x	x	x
Weipa Qld	8/7/99		x	x
Wudinna SA	11/8/99		x	x
Yirrkala NT	12/5/99		x	x

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Appendix 4
Extracts from International Instruments

Charter of the United Nations 1945

www.un.org/aboutun/charter/ .
Ratified by Australia in 1945.

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Universal Declaration of Human Rights 1948

UN Doc: A/810 at 71 (1948); www1.umn.edu/humanrts/instree/b1udhr.htm .
Not subject to ratification; binding on Australia as customary international law.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Convention on the Rights of the Child 1990

UN Doc: A/44/49 (1989); www1.umn.edu/humanrts/instree/k2crc.htm .
Ratified by Australia 1990; HREOCA section 47 declaration gives HREOC jurisdiction.

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
(a) Make primary education compulsory and available free to all;
(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
(c) Make higher education accessible to all on the basis of capacity by every appropriate means;
(d) Make educational and vocational information and guidance available and accessible to all children;
(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
(e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:
(a) The law of a State party; or
(b) International law in force for that State.

International Covenant on Economic, Social and Cultural Rights 1966

UN Doc: A/6316 (1966); www1.umn.edu/humanrts/instree/b2esc.htm .
Ratified by Australia 1975; not incorporated into domestic law.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

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(a) Primary education shall be compulsory and available free to all;
(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

International Covenant on Civil and Political Rights 1966

UN Doc: A/6316 (1966); www1.umn.edu/humanrts/instree/b3ccpr.htm .
Ratified by Australia 1980; HREOCA schedule 2.

Article 18

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

UNESCO Convention against Discrimination in Education 1962

429 U.N.T.S. 93; www1.umn.edu/humanrts/instree/p1cde.html .
Ratified by Australia 1966; not incorporated into domestic law.

Article 1

1. For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:
(a) Of depriving any person or group of persons of access to education of any type or at any level;
(b) Of limiting any person or group of persons to education of an inferior standard;
(c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Convention, the term "education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

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Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:

(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

(a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;

(b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

(d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group.

Article 5

1. The States Parties to this Convention agree that:

(a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this article.

International Convention on the Elimination of All Forms of Racial Discrimination 1969

660 U.N.T.S. 195; www1.umn.edu/humanrts/instree/d1cerd.htm .
Ratified by Australia 1975; incorporated in the *Racial Discrimination Act 1975* (Cth).

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(e) Economic, social and cultural rights, in particular:
(v) The right to education and training;

Convention on the Elimination of All Forms of Discrimination against Women 1981

UN Doc: A/34/46 (1981); www1.umn.edu/humanrts/instree/e1cedaw.htm .
Ratified by Australia 1983; incorporated in *Sex Discrimination Act 1984* (Cth).

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;
(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particulary those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
(g) The same Opportunities to participate actively in sports and physical education;
(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) 1991

www1.umn.edu/humanrts/instree/r1citp.htm .
Not ratified by Australia; not binding on Australia.

Article 1

1. This Convention applies to:
(a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
(b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Article 7

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

Article 21

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.
2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.
3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.
2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.
3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981

UN Doc: A/36/684 (1981); www.umn.edu/humanrts/instree/d4deidrb.htm .

Not subject to ratification; HREOCA section 47 declaration gives HREOC jurisdiction.

Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities 1993

UN Doc: A/47/49 (1993); www1.umn.edu/humanrts/instree/d5drm.htm .

Not subject to ratification; not binding on Australia.

Article 4

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities

UN Doc: A/RES/48/96; www.independentliving.org/STANDARDRULES/index.html

Not subject to ratification; not binding on Australia.

Rule 6. Education

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

1. General educational authorities are responsible for the education of persons with disabilities in integrated settings. Education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization.
2. Education in mainstream schools presupposes the provision of interpreter and other appropriate support services. Adequate accessibility and support services, designed to meet the needs of persons with different disabilities, should be provided.
3. Parent groups and organizations of persons with disabilities should be involved in the education process at all levels.
4. In States where education is compulsory it should be provided to girls and boys with all kinds and all levels of disabilities, including the most severe.
5. Special attention should be given in the following areas:
   (a) Very young children with disabilities;
   (b) Pre-school children with disabilities;
   (c) Adults with disabilities, particularly women.
6. To accommodate educational provisions for persons with disabilities in the mainstream, States should:
   (a) Have a clearly stated policy, understood and accepted at the school level and by the wider community;
   (b) Allow for curriculum flexibility, addition and adaptation;
   (c) Provide for quality materials, ongoing teacher training and support teachers.
7. Integrated education and community-based programmes should be seen as complementary approaches in providing cost-effective education and training for persons with disabilities. National community-based programmes should encourage communities to use and develop their resources to provide local education to persons with disabilities.
8. In situations where the general school system does not yet adequately meet the needs of all persons with disabilities, special education may be considered. It should be aimed at preparing students for education in the general school system. The quality of such education should reflect the same standards and ambitions as general education and should be closely linked to it. At a minimum,

students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education. It is acknowledged that in some instances special education may currently be considered to be the most appropriate form of education for some students with disabilities.

8. Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in schools for such persons or special classes and units in mainstream schools. At the initial stage, in particular, special attention needs to be focused on culturally sensitive instruction that will result in effective communication skills and maximum independence for people who are deaf or deaf/blind.

Rule 9. Family life and personal integrity

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

1. Persons with disabilities should be enabled to live with their families. States should encourage the inclusion in family counselling of appropriate modules regarding disability and its effects on family life. Respite-care and attendant-care services should be made available to families which include a person with disabilities. States should remove all unnecessary obstacles to persons who want to foster or adopt a child or adult with disabilities.

Rule 19. Personnel training

States are responsible for ensuring the adequate training of personnel, at all levels, involved in the planning and provision of programmes and services concerning persons with disabilities.

1. States should ensure that all authorities providing services in the disability field give adequate training to their personnel.
2. In the training of professionals in the disability field, as well as in the provision of information on disability in general training programmes, the principle of full participation and equality should be appropriately reflected.

Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (1999)*

UN Doc: E/C.12/1999/10;

www.unhchr.ch/tbs/doc.nsf/MasterFrameView/ae1a0b126d068e868025683c003c8b3b?Opendocument .

1. Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

Article 13(2): The right to receive an education - some general remarks

6. While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features:

(a) Availability - functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically

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competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;

(b) Accessibility - educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

i. Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);

ii. Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme);

iii. Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13(2) in relation to primary, secondary and higher education: whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education;

(c) Acceptability - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13(1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4));

(d) Adaptability - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

7. When considering the appropriate application of these "interrelated and essential features" the best interests of the student shall be a primary consideration.

Article 13(2)(a): The right to primary education

9. The Committee obtains guidance on the proper interpretation of the term "primary education" from the World Declaration on Education for All which states: "The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be univers..., ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community" (art. 5). "[B]asic learning needs" are defined in article 1 of the World Declaration. While primary education is not synonymous with basic education, there is a close correspondence between the two. In this regard, the Committee endorses the position taken by UNICEF: "Primary education is the most important component of basic education."

10. As formulated in article 13(2)(a), primary education has two distinctive features: it is "compulsory" and "available free to all". For the Committee's observations on both terms, see paragraphs 6 and 7 of General Comment 11 on article 14 of the Covenant.

Article 13(2)(b): The right to secondary education

12. While the content of secondary education will vary among States parties and over time, it includes completion of basic education and consolidation of the foundations for life-long learning and human development. It prepares students for vocational and higher educational opportunities. Article 13(2)(b) applies to secondary education "in its different forms", thereby recognizing that secondary education demands flexible curricula and varied delivery systems to respond to the needs of students in different social and cultural settings. The Committee encourages "alternative" educational programmes which parallel regular secondary school systems.

13. According to article 13(2)(b), secondary education "shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education". The phrase "generally available" signifies, firstly, that secondary education is not dependent on a student's apparent capacity or ability and, secondly, that secondary education will be distributed throughout the State in such a way that it is available on the same basis to all. For

the Committee's interpretation of "accessible", see paragraph 6 above. The phrase "every appropriate means" reinforces the point that States parties should adopt varied and innovative approaches to the delivery of secondary education in different social and cultural contexts.

14. "[P]rogressive introduction of free education" means that while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education. For the Committee's general observations on the meaning of the word "free", see paragraph 7 of General Comment 11 on article 14.

Technical and vocational education

15. Technical and vocational education (TVE) forms part of both the right to education and the right to work (art. 6(2)). Article 13(2)(b) presents TVE as part of secondary education, reflecting the particular importance of TVE at this level of education. Article 6(2), however, does not refer to TVE in relation to a specific level of education; it comprehends that TVE has a wider role, helping "to achieve steady economic, social and cultural development and full and productive employment". Also, the Universal Declaration of Human Rights states that "[t]echnical and professional education shall be made generally available" (art. 26(1)). Accordingly, the Committee takes the view that TVE forms an integral element of all levels of education.

16. An introduction to technology and to the world of work should not be confined to specific TVE programmes but should be understood as a component of general education. According to the UNESCO Convention on Technical and Vocational Education (1989), TVE consists of "all forms and levels of the educational process involving, in addition to general knowledge, the study of technologies and related sciences and the acquisition of practical skills, know-how, attitudes and understanding relating to occupations in the various sectors of economic and social life" (art. 1(a)). This view is also reflected in certain ILO Conventions. Understood in this way, the right to TVE includes the following aspects:

(a) It enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability and enhances the productivity of their families and communities, including the State party's economic and social development;

(b) It takes account of the educational, cultural and social background of the population concerned; the skills, knowledge and levels of qualification needed in the various sectors of the economy; and occupational health, safety and welfare;

(c) Provides retraining for adults whose current knowledge and skills have become obsolete owing to technological, economic, employment, social or other changes;

(d) It consists of programmes which give students, especially those from developing countries, the opportunity to receive TVE in other States, with a view to the appropriate transfer and adaptation of technology;

(e) It consists, in the context of the Covenant's non-discrimination and equality provisions, of programmes which promote the TVE of women, girls, out-of-school youth, unemployed youth, the children of migrant workers, refugees, persons with disabilities and other disadvantaged groups.

Non-discrimination and equal treatment

31. The prohibition against discrimination enshrined in article 2(2) of the Covenant is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination. The Committee interprets articles 2(2) and 3 in the light of the UNESCO Convention against Discrimination in Education, the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the ILO Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169), and wishes to draw particular attention to the following issues.

32. The adoption of temporary special measures intended to bring about de facto equality for men and

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women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved.

33. In some circumstances, separate educational systems or institutions for groups defined by the categories in article 2(2) shall be deemed not to constitute a breach of the Covenant. In this regard, the Committee affirms article 2 of the UNESCO Convention against Discrimination in Education (1960).

35. Sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant.

37. States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.

General legal obligations

43. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect. States parties have immediate obligations in relation to the right to education, such as the "guarantee" that the right "will be exercised without discrimination of any kind" (art.2(2)) and the obligation "to take steps" (art. 2(1)) towards the full realization of article 13. Such steps must be "deliberate, concrete and targeted" towards the full realization of the right to education.

44. The realization of the right to education over time, that is "progressively", should not be interpreted as depriving States parties' obligations of all meaningful content. Progressive realization means that States parties have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of article 13.

45. There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources.

46. The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide.

47. The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfil (provide) the right to education. As a general rule, States parties are obliged to fulfil (provide) a specific right in the Covenant when an individual or group is unable, for reasons beyond their control, to realize the right themselves by the means at their disposal. However, the extent of this obligation is always subject to the text of the Covenant.

48. In this respect, two features of article 13 require emphasis. First, it is clear that article 13 regards States as having principal responsibility for the direct provision of education in most circumstances; States parties recognize, for example, that the "development of a system of schools at all levels shall be actively pursued" (art. 13(2)(e)). Secondly, given the differential wording of article 13(2) in relation to primary, secondary, higher and fundamental education, the parameters of a State party's obligation to fulfil (provide) are not the same for all levels of education. Accordingly, in light of the

text of the Covenant. States parties have an enhanced obligation to fulfil (provide) regarding the right to education, but the extent of this obligation is not uniform for all levels of education. The Committee observes that this interpretation of the obligation to fulfil (provide) in relation to article 13 coincides with the law and practice of numerous States parties.

Specific legal obligations

49. States parties are required to ensure that curricula, for all levels of the educational system, are directed to the objectives identified in article 13(1). They are also obliged to establish and maintain a transparent and effective system which monitors whether or not education is, in fact, directed to the educational objectives set out in article 13(1).

50. In relation to article 13(2), States have obligations to respect, protect and fulfil each of the "essential features" (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; protect the accessibility of education by ensuring that third parties, including parents and employers, do not stop girls from going to school; fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all; fulfil (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world; and fulfil (provide) the availability of education by actively developing a system of schools, including building classrooms, delivering programmes, providing teaching materials, training teachers and paying them domestically competitive salaries.

54. States parties are obliged to establish "minimum educational standards" to which all educational institutions established in accordance with article 13(3) and (4) are required to conform. They must also maintain a transparent and effective system to monitor such standards. A State party has no obligation to fund institutions established in accordance with article 13(3) and (4); however, if a State elects to make a financial contribution to private educational institutions, it must do so without discrimination on any of the prohibited grounds.

59. By way of illustration, violations of article 13 include: the introduction or failure to repeal legislation which discriminates against individuals or groups, on any of the prohibited grounds, in the field of education; the failure to take measures which address de facto educational discrimination; the use of curricula inconsistent with the educational objectives set out in article 13(1); the failure to maintain a transparent and effective system to monitor conformity with article 13(1); the failure to introduce, as a matter of priority, primary education which is compulsory and available free to all; the failure to take "deliberate, concrete and targeted" measures towards the progressive realization of secondary, higher and fundamental education in accordance with article 13(2) (b)-(d); the prohibition of private educational institutions; the failure to ensure private educational institutions conform to the "minimum educational standards" required by article 13(3) and (4); the denial of academic freedom of staff and students; the closure of educational institutions in times of political tension in non-conformity with article 4.

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Committee on Economic, Social and Cultural Rights, General Comment No. 11 (1999)

UN Doc: E/C.12/1999/4;
http://www.unhchr.ch/tbs/doc.nsf/MasterFrameView/5a6f685a5a919b8f802567a5004f9a4e?Opendocument

6. Compulsory. The element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education. Similarly, the prohibition of gender discrimination in access to education, required also by articles 2 and 3 of the Covenant, is further underlined by this requirement. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights.

7. Free of charge. The nature of this requirement is unequivocal. The right is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization. They are also often highly regressive in effect. Their elimination is a matter which must be addressed by the required plan of action. Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category. Other indirect costs may be permissible, subject to the Committee's examination on a case-by-case basis. This provision of compulsory primary education in no way conflicts with the right recognized in article 13.3 of the Covenant for parents and guardians "to choose for their children schools other than those established by the public authorities".

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Appendix 5 Acknowledgments

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